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LAWS OF BARBADOS

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SESSION 1884-'85.



BARBADOS:

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LAWSOFBARBADOS.

CAP. I.

(Assented to 31st December 1884.)

BARBADOS.

An Act to continue various expiring laws.

WHEREAS the several Acts mentioned in the columns one and two of the schedule to this Act annexed, are limited to expire at the times specified in respect thereof in column three of the said schedule; And Whereas it is expedient to continue such Acts for the times mentioned respectively in column four of the said schedule; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows;

I. This Act may be cited for all purposes as "The Expiring Laws Continuance Act, 1884."

Short title.

II. The Acts mentioned in column one of the schedule to this Act annexed are hereby continued until (and inclusive of) the dates respectively specified in column four of the said schedule, and any enactments amending or affecting the enactments continued by this Act are also hereby in like manner continued; provided nevertheless as to the Highways Act that the legislative grant of one thousand pounds which has been annually made from the public treasury to the Commissioners of Highways of the

Acts mentioned in column one of this Act and enactments amending or affecting such Acts continued in force until 31st December 1885.

Proviso as to the Highways Act.

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rural portion of the parish of Saint Michael in aid of the funds provided for road purposes under section nine of the Act of the twenty fourth day of February one thousand eight hundred and sixty four, and the legislative grant of one thousand pounds which has been annually made from the public treasury to the Commissioners of Highways of the City of Bridgetown, under the same section of the said Act, in aid of the funds provided for road purposes of the City of Bridgetown, the same respectively shall be and are hereby withdrawn, and no such grants shall be made to the aforesaid commissioners respectively for the year one thousand eight hundred and eighty five; And in continuing the said Act of the twenty fourth day of February one thousand eight hundred and sixty four, that Act shall be read and taken as if the annual grants of one thousand pounds and one thousand pounds to be made respectively to the rural portion of the parish of Saint Michael and to the City of Bridgetown had been omitted therefrom.

This Act not to revive any enactments not now in force.

III. Nothing in this Act contained shall revive any provisions of the Acts mentioned in the said schedule, which are not in force at the time of the passing of this Act.

SCHEDULE

ORIGINAL ACTS.	AMENDING ACTS.	TIME OF EXPIRATION	CONTINUED UNTIL
Public Health, (19th February 1851)	17th February 1853 { 16th February 1881 { 21st June 1878 { 29th December 1879 { 30th August 1880 { 16th February 1881 {	31st December 1884	31st December 1885
Highways, (24th February 1864)	8th March 1884 { 30th December 1879 { 25th October 1880 {	31st December 1884	31st December 1885
Highways (St. Michael's) (3rd March 1882)	...	31st December 1884	31st December 1885
Duty upon Rum, (20th December 1871)	...	31st December 1884	31st December 1885
Fire Brigade, (24th March 1874)	...	31st December 1884	31st December 1885
Additional Clerk to the Petty Debt Court, Bridgetown, (21st October, 1874)	...	31st December 1884	31st December 1885
Liquor Licenses, (6th November 1876)	18th November 1876 { 24th October 1879 { 20th May 1884 {	31st December 1884	31st December 1885
Trade, (11th December 1878)	...	31st December 1884	31st December 1885
Lunatics Removal, (12th July 1879)	...	31st December 1884	31st December 1885
Mongoose Protection, (1st November 1879)	...	31st December 1884	31st December 1885
Emigration, (15th June 1881)	...	31st December 1884	31st December 1885
Governor's Salary (23rd June 1882)	...	31st March 1885	31st December 1885
Police (15th August 1882.)	29th May 1883 { 10th July 1884 {	31st December 1884	31st December 1885
Reporting Legislative Proceedings (19th March 1884)	...	31st March 1885	31st December 1885
Revenue in Aid (29th March 1884)	...	31st December 1884	31st December 1885

LAWS OF BARBADOS.

CAP. II.

(Assented to 31st December 1884.)

BARBADOS.

An Act to amend An Act of the twenty fourth day of March one thousand eight hundred and seventy four, entitled, "An Act to consolidate and amend the several Acts of this Island relating to Vestries," and also to amend "The Vestries Amendment Act, 1879."

WHEREAS it is expedient to amend the Act of the twenty fourth day of March one thousand eight hundred and seventy four, entitled, "An Act to consolidate and amend the several Acts of this Island relating to Vestries," hereinafter in this Act called "The Vestries Act, 1874," and also to amend "The Vestries Amendment Act, 1879"; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Qualification of
voters at elections of
vestrymen.

I. Every person entitled to vote for the time being at any election of members for any parish (other than the parish of Saint Michael) to serve in the General Assembly, shall be qualified to vote at any election of members to serve in the Vestry for the same parish in respect of which he is entitled to vote at any election of members to serve in the General Assembly ; and every person entitled to vote for the time being at any election of members either for the rural portion of the parish of Saint Michael or for the City of Bridgetown to serve in the General Assembly shall be qualified to vote at any election of members to serve in the Vestry for the parish of Saint Michael.

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II. The Colonial Secretary shall before the holding of any election for vestrymen furnish the Parochial Treasurer of each parish with a certified copy of the last lists which shall have been taken of the electors appearing on such lists as being entitled to vote for every such parish for which any such election for vestrymen shall be about to be held ; and in the event of the office of Parochial Treasurer of any parish being vacant the Colonial Secretary shall furnish the Churchwarden of such parish with such lists, and if there shall be no Churchwarden of such parish, the Colonial Secretary shall furnish the elector of such parish who shall first apply to him with such lists, and every such Parochial Treasurer, Churchwarden or elector so furnished with such lists shall lay or cause the same to be laid before the sheriff at the election of Vestrymen for the parish for which he shall be Parochial Treasurer, Churchwarden or elector, when and so soon as the person to act as sheriff shall be duly sworn to act as such.

Colonial Secretary before any election to furnish Parochial Treasurer, or Churchwarden or elector who first applies, with a copy of list of electors, for use at the election,

III. If any Parochial Treasurer, Churchwarden or elector who may be furnished with such lists as are mentioned in the last preceding section shall add to, alter, strike out, falsify, erase or deface any such lists, or shall decline or refuse or wilfully neglect to lay or cause to be laid such lists before the sheriff at any election to which such lists relate he shall be subject to a penalty not exceeding fifty pounds to be recovered on the complaint of any elector before any Police Magistrate as in the case of servants wages, one half to be paid to such elector and the other half to the Clerk of the Vestry of the parish to be by the latter paid to

Parochial Treasurer, Churchwarden, or elector who tampers with list so furnished to be liable to a penalty not exceeding £50.

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the Parochial Treasurer of the parish for the use of the parish, and if not paid within fourteen days after final judgment the offender shall be committed to prison for a period not exceeding three months.

General election of vestrymen, when to take place.

Who to act as sheriff.

Time election is to begin.

Oath of sheriff.

IV. The parishioners in every parish duly qualified to vote for vestrymen shall on the first Monday in January in every year repair to the place provided by law for the holding of elections of Vestrymen for such parish ; the senior Justice of the Peace present, and if no Justice of the Peace be present then the vestryman first named in the Church books present shall act as the Sheriff at such election, and in case there shall be no Justice of the Peace or vestryman present, or if either of them liable to act as sheriff at any such election shall decline or refuse or from any cause whatever be unable to act as sheriff at any such election the electors then present or a majority of them may appoint any elector present who may be willing to discharge the duties of sheriff to act as sheriff at such election, and such election shall begin between the hours of ten and eleven o'clock in the morning, and the said Sheriff before commencing his duties shall take the following oath before any Justice of the Peace or intending candidate present, who is hereby empowered and required to administer the same, namely ;

" I, A.B. do swear that I will discharge the duties of sheriff at the election of vestrymen for the parish of
 " fairly and impartially, without
 " favour or affection, malice, or
 " hatred, and according to the best

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" of my judgment. So help me
 " God."

V. Within one hour after the beginning of any election in manner aforesaid the name of every candidate shall be proposed by an elector having a right to vote ; and every candidate or the person proposing him shall thereupon if required so to do by any two electors having a right to vote, declare on oath the nature and particulars of his qualification, such oath to be administered by the sheriff.

Proposal of candidates' names.

VI. If at the expiration of one hour after the beginning of any election in manner aforesaid, no more candidates stand proposed than there are vacancies to be filled up, the sheriff shall forthwith declare the candidates who may stand proposed, to be elected, but if at the expiration of such hour more candidates stand proposed than there are vacancies to be filled up the sheriff shall adjourn the election and shall take a poll in manner in this Act mentioned.

In what case poll to be taken.

VII. In case of a poll being required as last aforesaid the same shall be opened on the Monday next following the Monday on which the candidates have been proposed, at the place provided by law for the purpose between the hours of eight and nine o'clock in the morning, and the polling shall continue until four o'clock in the afternoon of the same day, and no poll shall be kept open later than four o'clock in the afternoon or commence before eight o'clock in the morning. Provided always that with the consent of the candidates present or in the absence of any candidate of the elector who proposed him, it shall be lawful for the

When poll is to be opened and how long it is to be kept open.

LAWS OF BARBADOS.

sheriff to close the poll previous to the time fixed for that purpose.

How poll is to be taken.

VIII. Upon all elections of members to serve in the several vestries where a poll shall be taken the sheriff shall prepare a paper or papers with as many columns as there are candidates, and the names of each of the candidates shall be set down at the top of one of the columns, and no person's name shall be so set down except such as have been duly proposed on the Monday previous to the commencement of the polling, and whose qualification shall have been duly sworn to, if required, as hereinbefore mentioned, and the name of each voter shall be subscribed by the sheriff or by some person or persons by him appointed for that purpose under each of the candidates names for whom such voter votes.

What enquiries may be made at the time of polling as to the right of any person to vote.

IX. No enquiry shall be permitted at the time of polling as to the right of any person to vote except as hereinafter provided, that is to say, the sheriff shall if required on behalf of any candidate put to any voter at the time of his tendering his vote and not afterwards, the questions following or any of them and no other ;

1. Are you the same person whose name appears as A.B. on the Register of voters now in force for the parish of ?
2. Have you already voted at this election for the parish of ?
3. Have you the same qualification for which your name was originally inserted in the register of voters now in force for the parish of ?
(specifying in each case the par-

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ticulars of the qualification as described in the register.)

and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be subject to a penalty not exceeding fifty pounds to be recovered as in the case of servants' wages on the complaint of any elector before any Police Magistrate, one half to be paid to the informer, and the other half to the Parochial Treasurer of the parish for the use of the said parish, and if not paid within fourteen days after the final judgment such offender shall be committed to prison for a period not exceeding three months, and the sheriff shall (if required on behalf of any candidate at the time aforesaid) administer an oath (or in case of a Quaker or Moravian or other person objecting to an oath, an affirmation) to any voter in the following form, that is to say ;

Penalty for making wilfully a false answer.

" You do swear (or being a Quaker
 " or Moravian, or other person ob-
 " jecting to an oath, do affirm) that
 " you are the same person whose
 " name appears as A.B. in the regis-
 " ter of voters now in force for the
 " parish of and
 " that you have not before voted
 " at the present election for the
 " parish of and that
 " you have the same qualification
 " for which your name was origi-
 " nally inserted in the register of
 " voters now in force for the
 " parish of " ;

Oath which may be administered to any voter.

and no elector shall hereafter at any such election be required to take any other oath or affirmation except as aforesaid either in proof of his freehold, age, or other qualifica-

LAWS OF BARBADOS.

Grounds on which person claiming to vote at any election may be excluded from voting thereat.

tion or right to vote ; and no person claiming to vote at any such election shall be excluded from voting thereat except by reason of its appearing to the sheriff upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person refusing to answer the said questions or either of them, or to take the said oath or make the said affirmation.

At the close of an election sheriff to declare who has been elected and to make a return of such persons' names to the Rector or Churchwarden.

X. At the close of every election, and before the person acting as sheriff shall depart from the place of election, the candidates who shall have the majority of votes shall be publicly declared by the person acting as sheriff to be duly chosen vestrymen for such parish, and the names of the persons so chosen vestrymen shall be returned by the person acting as sheriff to the Rector of the parish, or in the absence of the Rector to the Churchwarden of the parish in which such election shall be held for the time being ; but it shall not be in the power of such person to make any special return thereof unless it shall happen that any of the candidates have an equal number of votes, and upon such return he shall make and subscribe the following declaration before such Rector or Churchwarden, namely ;

Declaration to be made by sheriff before Rector or Churchwarden.

"I, A.B., do declare that according to
 "my skill and judgment the return
 "by me now made upon the election of
 "vestrymen for the parish of

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"is according to the law of election
 "now in force, and without favour or
 "affection, hatred, malice or ill-will to
 "any person whomsoever";

and if any person who shall have acted as sheriff at any election of vestrymen within the meaning of this Act shall refuse to make and subscribe such declaration, the person so offending shall forfeit and pay a sum not exceeding twenty five pounds to be recovered as in the case of servants' wages on the complaint of any elector before any Police Magistrate, half to be paid to such elector, and the other half to be paid to the Parochial Treasurer of the parish for the use of the parish.

XI. The sheriffs at all elections of vestrymen shall have and possess all the like powers and authorities for conducting such elections as the sheriffs acting at the election of members for the General Assembly have or possess.

Power and authority of sheriff.

XII. Any person elected a member of vestry may either before or after taking his seat withdraw from the vestry by signing and addressing a letter to the chairman for the time being, signifying that he is desirous of withdrawing from the vestry, and if the chairman is satisfied as to the authenticity of the letter purporting to come from such person, he shall upon the reading of the said letter at the Vestry Board direct that the receipt thereof be noted on the next agenda paper of the vestry, and at the following meeting the matter shall be laid before the vestry, and the chairman shall order the letter to be recorded on the minutes, and upon this being done, the seat shall be declared vacant. Provided always that if a

Any vestryman may resign his seat as member of a vestry.

LAWS OF BARBADOS.

motion be made in the vestry that such letter of resignation be not entertained, such letter shall not be entertained, and such seat shall not be deemed vacant except a majority of two thirds of the members then present agree that such letter and resignation be entertained, and such seat be vacant

If any member of a vestry dies, retires, or is absent from the Island for forty days at one time, another person to be elected in his place.

XIII. If any member of any vestry shall die or retire from office in the manner mentioned in the last preceding section or shall be absent from the Island for a period of forty days at any one time, the parishioners duly qualified to vote at any election of vestrymen for the parish where such death, retirement or absence from the Island shall take place, shall on the second Monday following such death, retirement or absence of forty days from the Island as aforesaid, repair to the place provided by law for the holding of elections of vestrymen for such parish and elect a duly qualified person to serve in the place of the member who shall have died or retired or have been absent from the Island for the period aforesaid, and such election shall be determined in the same manner as is in this Act hereinbefore mentioned, and in case a poll shall be required for the determination thereof such poll shall be taken on the Monday then next following, and the same course shall be pursued and observed in all respects filling up the place of any member of vestry who shall have died or retired or have been absent from the Island for the period aforesaid as is required to be pursued and observed concerning elections of vestrymen on the first Monday in January in every year and subsequently to such Monday, or as near thereto as circumstances will admit.

SESSION OF 1884-'85.

XIV. A meeting of any vestry may be convened by any five members thereof or by the clerk of such vestry upon the requisition in writing of any five members of such vestry by a notice to the several members thereof forty eight hours at least before the time of meeting, such notice to be signed by the members or clerk convening the meeting and to specify the object thereof.

Any five members may convene or require the clerk to convene a meeting of a vestry.

XV. Sections two, three, seven, eight, and nine of "The Vestries Act, 1874," and section thirteen of "The Vestries Amendment Act, 1879," shall be, and the same are hereby repealed.

Repeal Section.

XVI. This Act, and "The Vestries Act, 1874," as amended by "The Vestries Amendment Act, 1879," and this Act, and "The Vestries Amendment Act, 1879," as amended by this Act, shall be construed together as forming one Act.

This and all other Acts relating to vestries to be construed together as one Act.

XVII. "The Vestries Act, 1874," may be cited for all purposes by that name or style, and this Act may be cited for all purposes as "The Vestries Amendment Act, 1884."

Short title, section.

CAP. III,

(Assented to 31st December 1884.)

BARBADOS.

An Act to grant a sum of money out of the public treasury and to appropriate the same for the service of the year ending the thirty, first day of December one thousand eight hundred and eighty five.

WHEREAS it is deemed expedient to grant the sum of fifty two thousand three hundred and nine pounds six

Preamble.

LAWS OF BARBADOS.

shillings and eight pence out of the public treasury, for making good the supply granted for the service of the year ending on the thirty first day of December one thousand eight hundred and eighty five, and to appropriate the said sum in the manner hereinafter mentioned ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Short title.

I. This Act may be cited for all purposes as " The Appropriation Act, 1885."

Grant of £52,309
6s. 8d. out of Public
Treasury.

II. The Colonial Treasurer for the time being may issue out of the public treasury on the warrant of the Governor-in-Council and apply for making good the supply granted for the service of the year ending the thirty first day of December one thousand eight hundred and eighty five the sum of fifty two thousand three hundred and nine pounds six shillings and eight pence.

Date on which
grant takes effect.

III. The sum granted by this Act shall be held to be granted on the first day of January one thousand eight hundred and eighty five.

Appropriation of
sum granted.

IV. The sum granted by this Act out of the public treasury for making good the supply granted for the service aforesaid is appropriated and shall be deemed to be appropriated as from the first day of January one thousand eight hundred and eighty five for the purposes and services expressed in the schedule annexed hereto.

Schedule to be
deemed part of Act.

V. The schedule annexed hereto shall be deemed to be part of this Act in the same manner as if it had been contained in the body of the Act.

SESSION OF 1884-'85.

ABSTRACT

Of the Schedule to which this Act refers.

Appropriation of Grants.

	£	s.	d.	£	s.	d.
Establishments .....	...			2,509	0	0
Exclusive of Establishments.						
Head 1—Civil	1,275	15	0			
Head 2—Legislative....	120	0	0			
Head 3—Judicial	1,780	0	0			
Head 4—Police	6,590	0	0			
Head 5—Harbour Police	390	0	0			
Head 6—Prisons	6,505	0	0			
Head 8—Education	13,362	18	4			
Head 9—Public Library	5	0	0			
Head 10—Medical.....	4,920	0	0			
Head 12—Interest.....	750	0	0			
Head 13—Drawbacks ...	5,340	0	0			
Head 14—W o r k s and Buildings.....	3,740	0	0			
Head 15—Roads	3,000	0	0			
Head 16—Rent... ..	246	18	4			
Miscellaneous...	1,775	0	0			
Total Exclusive of Es- tablishments ... ..	...			49,800	6	8
Grand Total.....	...			52,309	6	8

LAWS OF BARBADOS.

SCHEDULE—PART I.

Establishments.

Schedule of sums granted to defray the several charges on account of Establishments herein particularly mentioned which will come in, in course of payment during the year ending thirty first day of December 1885.

Service.	Sums not exceeding					
HEAD 1—D.	£	s.	d.	£	s.	d.
For the salary of an extra Clerk in the Audit Office	100	0	0	100	0	0
HEAD 2—B.						
For salary of Clerk of General Assembly... ..	500	0	0			
do. do. Deputy Clerk	150	0	0			
Salary Marshal of General Assembly.....	100	0	0			
Total.....	...			750	0	0
HEAD 4.						
Medical attendance "B" Station.....	20	0	0			
do. do. "C" Station	25	0	0			
do. do. "D" and Hole Town Stations.....	25	0	0			

SESSION OF 1884-'85.

Service.	Sums not exceeding					
	£	s.	D.	£	s.	D.
Medical Attendance "E" & Speights Town Stations	25	0	0			
do. do. "F" Station.	25	0	0			
Total.....	...			120	0	0
HEAD 6.						
Salary of Medical Officer "A" Prison.....	50	0	0			
Vested interest "C" Prison.....	7	10	0			
Salary Medical Officer "D" Prison.....	20	0	0			
Salary Keeper "D" Prison.....	25	0	0			
Supplement to Salary of Chief Overseer... ..	20	0	0			
Supplement of £10 to Salary of each of 2 first class Overseers... ..	20	0	0			
do. do. £15 to each of 8 2nd class Overseers...	120	0	0			
Total... ..				262	10	0

LAWS OF BARBADOS.

Service.	Sums not exceeding					
	£ s. d.			£ s. d.		
HEAD 10—C.						
Salaries of Steward Lunatic Asylum.....	100	0	0			
Head male attendant do	60	0	0			
1 do. do. do.	35	0	0			
1 do. do. do.	32	10	0			
5 do. do. at £30.	150	0	0			
Head Female Attendant Lunatic Asylum... ..	37	10	0			
3 do. do. at £30.....	90	0	0			
1 do. do. " 24.....	24	0	0			
4 do. do. " 22 10.	90	0	0			
2 Nurses at £30.....	60	0	0			
Housekeeper... ..	30	0	0			
Cook.....	25	0	0			
Cook's Assistant... ..	17	10	0			
Sempstress	15	0	0			
Gatekeeper	20	0	0			

SESSION OF 1884-'85

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
2 Laundresses at £17 10.	35	0	0			
Gardener.....	12	10	0			
Scavenger... ..	12	10	0			
Medical Superintendent at						
Dist. " B.".....	25	0	0			
Medical Visitor Dist. " B'	30	0	0			
Matron do.....	62	10	0			
Attendant do.....	30	0	0			
2 do. do. at £22 10.	45	0	0			
Cook do.....	12	10	0			
Total... ..				1,051	10	0
HEAD 10—D.						
Matron Lazaretto... ..	50	0	0			
Head Male Attendant.....	25	0	0			
Male do.....	20	0	0			
3 do. at £10.....	30	0	0			
Head Female Attendant	15	0	0			

LAWS OF BARBADOS.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
Female Attendant... ..	10	0	0			
Head Cook.....	15	0	0			
Cook.....	10	0	0			
Head Laundress	25	0	0			
2 do. at £12 10.	25	0	0			
Total... ..				225	0	0
Total Establishments.....				2,509	0	0

SESSION OF 1884-85.

SCHEDULE — PART II.

Exclusive of Establishments.

Schedule of sums granted to defray the several charges, exclusive of Establishments, herein particularly mentioned, which will come in, in course of payment, during the year ending on the thirty first day of December 1885.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
HEAD 1.— CIVIL.						
a. Government House—						
Furniture... ..	100	0	0	100	0	0
d. Auditor General—						
Furniture... ..	5	0	0			
Contingencies... ..	5	0	0			
Total.....	...			10	0	0
e. Public Works—						
Messenger... ..	20	0	0			
Contingencies... ..	10	0	0			
Total.....	...			30	0	0
f. Harbour Master—						
Rent of office 1884-85 for Shipping Master..	50	0	0	50	0	0

LAWS OF BARBADOS

Service.	Sums not exceeding.					
	£ s. d.			£ s. d.		
<i>g.</i> Customs—						
Special Services of Officers... ..	50	0	0			
Admeasurement of Ships	100	0	0			
Messenger... ..	32	10	0			
do.	27	1	8			
do.	21	18	4			
Watchman Petroleum Warehouse	32	10	0			
2 Porters do. at £26...	52	0	0			
Contingencies... ..	55	0	0			
Testing Petroleum.....	45	0	0			
Total.....	...			415 15 0		
<i>j.</i> Market—						
Keepers and Cleaners...	80	0	0			
Gas and Water.....	75	0	0			
Contingencies... ..	100	0	0			
Total.....	...			205 0 0		

SESSION OF 1884-'85.

Service.	Sums not exceeding.					
	£	s.	D.	£	s.	D.
<i>k.</i> Fire Brigade—						
Rewards.....	10	0	0			
Clothing.....	100	0	0			
Apparatus... ..	120	0	0			
Contingencies... ..	100	0	0			
Rent.....	25	0	0			
Repairs to Stations.....	50	0	0			
Total .....	...			405	0	0
<i>m.</i> Signal Stations—						
Flags.....	30	0	0			
Contingencies.....	15	0	0			
Total.....	...			45	0	0
<i>o.</i> Inland Revenue—						
Instruments... ..	10	0	0			
Contingencies... ..	5	0	0			
Total.....	...			15	0	0

LAWS OF BARBADOS.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
HEAD 2—LEGISLATIVE.						
<i>a.</i> Council—						
Contingencies.....	5	0	0	5	0	0
<i>b.</i> Assembly—						
Contingencies.....	70	0	0			
Indexing Minutes.....	25	0	0			
Total.....	...			95	0	0
<i>c.</i> Administrative Committees—						
Contingencies.....	20	0	0	20	0	0
HEAD 8—JUDICIAL.						
<i>a.</i> Jurors and Marshals at Grand Sessions.....	350	0	0			
<i>b.</i> Witnesses.....	400	0	0			
<i>d.</i> Inquests.....	300	0	0			
<i>e.</i> Medical Certificates of Lunacy... ..	150	0	0			
<i>f.</i> Constables Fees and Staves.....	280	0	0			
Contingencies.....	150	0	0			

SESSION OF 1884-'85.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
<i>h.</i> Clerical Asst. Bridge- town Magistrate.....	100	0	0			
Expenses under Provost Marshal's Fees Act 1883.....	50	0	0			
Total.....	...			1,780	0	0
HEAD 4—POLICE.						
<i>a.</i> Arms and Ammunition	50	0	0			
<i>b.</i> Clothing.....	1,200	0	0			
<i>c.</i> Cleaning, water, and light.....	300	0	0			
<i>d.</i> Furniture... ..	80	0	0			
<i>e.</i> Hospital and Medicine	300	0	0			
<i>f.</i> Purchase of horses	600	0	0			
<i>g.</i> Forage... ..	1,700	0	0			
<i>h.</i> Incidental expenses of horses.....	350	0	0			
<i>j.</i> Conveyance of Prisoners	100	0	0			
<i>k.</i> Burials.....	10	0	0			

LAWS OF BARBADOS.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
<i>l.</i> Contingencies including travelling expenses of Inspector General and Inspector.....	300	0	0			
<i>m.</i> Superannuation and Rewards.....	1,600	0	0			
Total...	...			6,590	0	0
HEAD 5—HARBOUR POLICE.						
<i>b.</i> Clothing.....	260	0	0			
<i>c.</i> Cleaning, water, and light.....	40	0	0			
<i>d.</i> Furniture.....	20	0	0			
<i>e.</i> Boats and Apparatus...	60	0	0			
<i>f.</i> Contingencies.....	10	0	0			
Total...	...			390	0	0
HEAD 6—PRISONS						
<i>a.</i> Provisions.....	2,200	0	0			
<i>b.</i> Clothing and Uniform..	315	0	0			
<i>c.</i> Cleaning, water, and light.....	255	0	0			

SESSION OF 1884-'85.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
<i>d.</i> Furniture	160	0	0			
<i>e.</i> Hospitals.....	250	0	0			
<i>f.</i> Expense of cooperage...	2,000	0	0			
<i>g.</i> Contingencies.....	150	0	0			
Total ...	...			5,330	0	0
DODDS.						
<i>a.</i> Cultivation of Estate...	60	0	0			
<i>b.</i> Manure, food for Stock, Wheelwright and Inci- dentals.....	160	0	0			
<i>c.</i> Provisions for 112 In- mates.....	675	0	0			
<i>d.</i> Clothing and bedding...	160	0	0			
<i>e.</i> Cleaning, water, and light.....	50	0	0			
<i>f.</i> Furniture....	35	0	0			
<i>g.</i> Contingencies.....	10	0	0			
<i>h.</i> Hospital and Medicine..	25	0	0			
Total...	...			1,175	0	0

LAWS OF BARBADOS.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
HEAD 8—EDUCATION.						
To defray the expenses under the Education Act, 1878.....	13,362	18	4	18,362	18	4
HEAD 9—PUBLIC LIBRARY.						
Contingencies...	5	0	0	5	0	0
HEAD 10.—MEDICAL.						
c. Lunatic Asylum.....						
(a.) Provisions... ..	2,500	0	0			
(b.) Clothing... ..	850	0	0			
(c.) Cleaning, water, and light.....	80	0	0			
(d.) Furniture.....	120	0	0			
(e.) Medicines.....	35	0	0			
(f.) Contingencies.....	215	0	0			
Total...	...			3,300	0	0

SESSION OF 1884-'85.

Service.	Sums not exceeding					
	£	s.	D.	£	s.	D.
<i>d.</i> Lazaretto.....						
(a.) Provisions.....	1,000	0	0			
(b.) Clothing.....	200	0	0			
(c.) Cleaning, water, and light.....	100	0	0			
(d.) Furniture.....	30	0	0			
(e.) Medicine... ..	85	0	0			
(f.) Contingencies.....	75	0	0			
Total...	...			1,490	0	0
<i>e.</i> Board of Health—						
Watchman and Attendants, Pelican Island...	25	0	0			
Provisions and contingencies.....	50	0	0			
Addition to Clerk's salary	30	0	0			
Rent of Jetty and right of way.....	7	10	0			
Total.....	...			112	10	0

LAWS OF BARBADOS.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
<i>f.</i> Poor Law Board—						
Messenger	12	10	0			
Furniture and contingencies.....	5	0	0			
Total.....	...			17	10	0
HEAD 12—INTEREST.						
Under Act No 174....	10	0	0			
Under Loan Act 1881...	740	0	0			
Total.....	...			750	0	0
HEAD 13—DRAWBACKS.						
On Goods Exported.....	2,000	0	0			
Do. damaged and short landed and refund on Bilgewater... ..	750	0	0			
Allowance to Imperial Departments	40	0	0			
His Excellency and Military Departments ...	50	0	0			
Military Duty Allowance	2,500	0	0			
Total.....	...			5,840	0	0

SESSION OF 1884-'85.

Service.	Sums not exceeding					
	£	s.	d.	£	s.	d.
HEAD 14—WORKS AND BUILDINGS						
A. Public Buildings.						
Keepers wages.....	40	0	0			
Contingencies... ..	55	0	0			
Total.....	...			95	0	0
B. Repairs and Alterations						
1. Public Buildings.....	200	0	0			
1a. Government House...	150	0	0			
1g. Customs & Petroleum Warehouse... ..	50	0	0			
1j. Market... ..	150	0	0			
1m. Signal Stations and Inland Telegraph.....	75	0	0			
4. Police Stations.....	350	0	0			
6. Prisons & Town Hall	300	0	0			
Reformatory	30	0	0			
10c. Lunatic Asylum... ..	200	0	0			
10d. Lazaretto... ..	150	0	0			
10e. Pelican Island.....	30	0	0			

LAWS OF BARBADOS.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
Miscellaneous... ..	75	0	0			
Swing Bridge, repairs & turning	90	0	0			
Buoys	40	0	0			
Cranes, repairs & painting... ..	100	0	0			
Dredge.....	140	0	0			
Dredging and construction of Dredge.....	1,060	0	0			
Fountain Garden.....	10	0	0			
Codrington House	25	0	0			
Wharf Walls... ..	100	0	0			
Total.....	...			3,325	0	0
C. New Works						
Enclosing burial ground at Lazaretto.....	30	0	0			
Extending Police Hospital District "A" ...	40	0	0			
Ventilation of new Police Barrack, Central Station.....	50	0	0			
Total.....	...			120	0	0

SESSION OF 1884-'85.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
D. Incidental Expenses						
Fountain Garden	20	0	0			
Storekeeper and Assistant in P. W. Office...	80	0	0			
Lighting Wharf	100	0	0			
Total.....	...			200	0	0
HEAD 15.—ROADS.						
City of Bridgetown and Rural portion of St. Michael	3,000	0	0	3,000	0	0
HEAD 16.—RENT.						
1g. Customs.....	95	16	8			
4. Police.....	85	0	0			
5. Harbour Police Office and Sergeant's Quarters.....	60	0	0			
Lapsed rent of Bay Guard House 4 months 1883	5	16	8			
Total.....	...			246	13	4
MISCELLANEOUS.						
Cost of Parish Registers, Indexing and binding	50	0	0			

LAWS OF BARBADOS.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
Cost of Telegrams	150	0	0			
Advertising Liquor Licenses.....	25	0	0			
Government binding and Printing.....	1,200	0	0			
Do. Stationery	250	0	0			
Miscellaneous at disposal of the Governor for the service of the Colony.....	100	0	0			
Total... ..	...			1,775	0	0
Total Exclusive of Establishment.....				£49,800	6	8

SESSION OF 1884-85.

CAP. IV.

(Assented to 13th January 1885.)

BARBADOS.

An Act to vest a sum of one thousand pounds bequeathed by the late John Henry Leacock for establishing two scholarships at Codrington College, in the Bishop of the Diocese and the Principal of the said College and their successors in office.

WHEREAS John Henry Leacock late of the parish of Saint Peter in this Island, by his last will dated the twentieth day of November one thousand eight hundred and eighty two, bequeathed the sum of one thousand pounds unto the persons or person who at the time of his decease should be Lord Bishop of Barbados and Principal of Codrington College upon trust that the said Bishop and Principal, or the survivor of them or the executors or administrators of such survivor or other the trustees or trustee for the time being of the said sum of one thousand pounds (in the will afterwards referred to, and also herein sometimes afterwards referred to as "the Scholarship trustees or trustee") should invest the said sum of one thousand pounds in and upon good and sufficient real security either in this Island or elsewhere, or in the Parliamentary stocks or funds of Great Britain, with power for the Scholarship trustees or trustee from time to time to vary the said investments into or for others of the same or a like nature; and he hereby declared that the Scholarship trustees or trustee should stand possessed of the said sum of one thousand pounds and the

Preamble.

Will of J. H. Leacock

bequeathing to the Lord Bishop of Barbados and the Principal of Codrington College £1,000.

for the foundation of two Scholarships at that College.

LAWS OF BARBADOS.

investments for the time being representing the same (therein afterwards referred to, and also herein sometimes afterwards referred to as "the Scholarship Fund"), upon trust with and from the annual income thereof to establish two scholarships of the annual value of thirty pounds each at Codrington College to be called "The Leacock Scholarships," and to be competed for and held subject to such regulations as the Scholarship trustees or trustee should think fit from time to time to make ; and he declared that the said Scholarships should not be confined to any particular faculty and should be filled up at such time in each year, when vacant, as the Scholarship trustees or trustee should determine according to the result of an examination to be held by the authorities of the said College, and that the said Scholarships should be tenable by any native or son of a native of Barbados for two years and no longer, provided that each such scholar should, unless prevented by sickness or other grave cause, keep his term continuously at the said College during such period and should transmit to the Scholarship trustees or trustee at the close of each term a Certificate from the Principal of the College or the person acting on his behalf that he had kept such term by actual residence and had satisfied the authorities of the College by his diligence and general conduct—on the receipt of which certificate he should be paid the amount to which he might be entitled for the term then ended ; and it was thereby also provided and declared that if the trustees or trustee of the Scholarship Fund thereby appointed, or either of them or any future trustee or trustees of the Scholarship Fund should die or

Terms and conditions of the Scholarships.

Provision as to appointment of future trustees.

SESSION OF 1884-'85.

go to reside abroad, or should desire to retire from or refuse or become incapable to act in the trusts of the Scholarship Fund, then and in every such case it should be lawful for the continuing trustee or trustees for the time being of the Scholarship Fund, or if there should be no continuing trustee then for the retiring or refusing trustees or trustee or the executors or administrators of the last acting trustee to appoint the Lord Bishop of the Diocese or the Principal of Codrington College, if not already a trustee and if willing to accept the office, or if already a trustee or unwilling to accept the office, then any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or going to reside abroad or desiring to retire or refusing or becoming incapable to act as aforesaid, and that upon every such appointment the Scholarship Fund should be so transferred as to become vested in the new trustee or trustees of the Scholarship Fund, either jointly with the continuing trustee or trustees of the Scholarship Fund, or solely as the case might require, and that every such new trustee of the Scholarship Fund (as well before as after the Scholarship Fund should have become vested in him) should have all the powers and authorities of the trustee of the Scholarship Fund for whom he should be substituted; and in the said Will the testator also provided and declared that in order to avoid the continual expense of appointing new Scholarship trustees and perpetual dealings with the Scholarship Fund on each appointment it was his wish that the authorities of the said College should apply to the Legislature for an Act vesting the said sum of one thousand

Act of the Legislature to be applied for.

LA OF BARBADOS.

pounds in the said Bishop and Principal for the time being and their successors in office, in the same manner, as the money founding the "Rawle Scholarship" was vested in them, and so that the said Bishop and Principal and their successors in office might hold the said sum of one thousand pounds and the interest on the trusts therein before declared concerning the same; And Whereas the said John Henry Leacock, the testator, died on the tenth day of January one thousand eight hundred and eighty four, without having altered or revoked his said Will as to the said legacy given for the founding of Scholarships as aforesaid, and the said Will was on the first day of February one thousand eight hundred and eighty four duly proved and recorded in the Colonial Secretary's Office of this Island; And Whereas the Right Reverend Herbert Bree who is now the Lord Bishop of Barbados, and the Reverend Alfred Caldecott, who is now the Principal of Codrington College, are willing to accept the trusts upon which the said sum of one thousand pounds is bequeathed unto them as aforesaid for establishing two Scholarships at Codrington College; And Whereas the said sum of one thousand pounds bequeathed as aforesaid by the said John Henry Leacock has not yet been paid or transferred to the said Bishop and Principal by the executors and trustees of the Will of the said testator, but the executors and trustees of the said Will have assented to the said legacy and expressed their intention to pay or transfer the same to the said Bishop and Principal in a short time; And Whereas the Rawle Scholarship referred to in the Will of the said testator is vested in

SESSION OF 1884-'85.

the Bishop of the Diocese and the Principal of Codrington College by an Act of this Island passed on the fourteenth day of February one thousand eight hundred and sixty six, entitled, "An Act to vest a sum of money in the Bishop of the Diocese and the Principal of Codrington College, for establishing a Scholarship at Codrington College," and the said Bishop and Principal and other authorities of the said College desire that an Act should be passed by the Legislature to vest the said legacy in them and their successors in office upon the trusts upon which the same is bequeathed as aforesaid by the said testator John Henry Leacock ; And Whereas it is deemed expedient to vest as in this Act appears, the said legacy in the said Bishop and Principal and their successors in office ; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same as follows ;

I. This Act may be cited for all purposes as, "The Leacock Scholarships Fund Act 1885."

Short title.

II. The Lord Bishop of the Diocese of Barbados and the Principal of Codrington College and their successors in office shall stand and be possessed of and interested in the said sum of one thousand pounds, when paid or transferred to them, upon and subject to all and every the trusts, powers, provisions, declarations and conditions declared and contained of and concerning the same (including the said trusts for investment and varying of securities) in and by the said Will of the said John Henry Leacock, or such of them as may from time to time be subsisting and capable of taking effect.

Trust fund vested in the Bishop of Barbados and the Principal of Codrington College for the time being on the trusts affecting it.

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CAP. V.

(Assented to 14th January, 1885.)

BARBADOS.

An Act to amend An Act of the twenty seventh day of August one thousand eight hundred and fifty three, entitled, "An Act for the limitation of actions and suits relating to real estate, and the charges thereon, and for facilitating the transfer of property," and also to amend "The Authentication of Deeds Act, 1884."

WHEREAS it is expedient to amend the Act of the twenty seventh day of August one thousand eight hundred and fifty three, entitled, "An Act for the limitation of actions and suits relating to real estate and the charges thereon, and for facilitating the transfer of property," (hereinafter in this Act called, "The Real Estate Act, 1853,") and also to amend "The Authentication of Deeds Act, 1884"; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Amendment of I. Section forty six of "The Real Estate section 46 of "The Act, 1853," shall be read and construed as Real Estate Act, if the words "and the husband shall also 1853." acknowledge the deed" were not contained therein, and as if the words "such married woman" were used therein instead of the words "parties thereto."

The said section II. In all cases in which the said section to be deemed so forty six of "The Real Estate Act, 1853," is amended in all cases incorporated with or referred to in any in which it is incorporated or referred to in any enactment subsequent thereto, such enactment shall be read and construed as if the

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amendments contained in the preceding section of this Act were made prior to the passing of such enactment.

III. The acknowledgment required to be made by any married woman residing beyond the seas under the said section forty six of "The Real Estate Act, 1853" is amended by this Act, or any acknowledgment by or private examination of any married woman residing beyond the seas required to be taken or made under any other Act of this Island in relation to any deed or writing executed by any married woman, may be taken or made in the country, place, or state where the deed or writing is executed by such married woman before either of the officers or persons before whom the execution of any such deed or writing is authorised to be proved and authenticated in such country place or state under "The Authentication of Deeds Act, 1884," and any such acknowledgment or private examination may be certified and authenticated by such officers or persons in the same manner as such officers or persons are authorised to certify the proof and authentication of such deed or writing by "The Authentication of Deeds Act, 1884;" and every deed so acknowledged by a married woman shall be received in all Courts and places in this Island as legal evidence without any further proof.

IV. If a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from

Before whom acknowledgments by or private examinations of married women residing beyond the seas may be made or taken.

Court of Common Pleas in the case of a husband being lunatic, &c. may dispense with his concurrence in any disposition of his wife's property.

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his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Chief Judge of the Court of Common Pleas of this Island, by an order to be made at Chambers upon the application of the wife, and upon such evidence as to the said Chief Judge shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by the "The Real Estate Act, 1853," or otherwise; and all acts or deeds to be done or executed by the wife in pursuance of such order, in regard to lands of any tenure or in regard to money subject to be invested in the purchase of lands, shall be done or executed by her in the same manner as if she were a feme sole, and when done or executed by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred

Deeds executed before the passing of this Act and authenticated as in this section mentioned to be valid and effectual, notwithstanding section 46 of "The Real Estate Act, 1883."

V. Every deed executed before the passing of this Act by a married woman residing in Great Britain for any of the purposes of "The Real Estate Act, 1853," and produced and acknowledged by her as her act and deed, before any of the persons mentioned in an Act of the Imperial Parliament made and passed in the third and fourth years of the reign of King William the fourth, chapter seventy four, entitled "An Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance," for taking acknowledgments by married women, of deeds executed by them in Great Britain,

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and in all respects certified and authenticated by such person taking the acknowledgment, as required by the said Imperial Act, including the filing of the certificate of acknowledgment in the manner prescribed by the said Act, shall notwithstanding section forty six, of "The Real Estate Act, 1853," be as effectual to convey the lands, tenements and hereditaments therein comprised, as if the married woman executing the same had been resident in this Island, and had executed and acknowledged the same before the Chief Judge or a Commissioner of Probates of this Island, provided the husband of such married woman shall have executed the deed and his signature to the same shall have been duly authenticated, and provided that a copy of the certificate of acknowledgment by such married woman so filed, signed by the officer with whom the same shall have been filed shall be annexed to the deed, and every such deed when recorded in the Colonial Secretary's Office of this Island shall be admitted in all Courts and places in this Island, as legal evidence without any further proof; provided always that nothing herein contained shall be deemed or taken to render ineffectual any deed executed by any married woman residing in Great Britain which before the passing of this Act would have been effectual.

VI. "The Real Estate Act, 1853," may be cited by that name and style; and this Act may be cited as "The Real Estate Act, 1853, and The Authentication of Deeds Act, 1884, Amendment Act, 1885."

Short titles of this
and of the amended
Act.

LNWS OF BARBADOS.

CAP. VI.

(Assented to 17th January 1885.)

BARBADOS.

An Act to amend "The Contagious Diseases Act, 1868."

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same as follows;

Words "a Justice" to be substituted for words "two Justices" in sections 27 and 30 of "The Contagious Diseases Act, 1868."

Alteration to be made where section 27 is incorporated in other enactments.

I. Sections twenty seven and thirty of "The Contagious Diseases Act, 1868," shall be read and construed in all cases as if the words "a Justice" were substituted for the words "two Justices," wherever the latter words occur therein respectively.

II. The said section twenty seven shall be deemed to have the words "a Justice" substituted for the words "two Justices" therein, in all cases in which it is incorporated or referred to in any subsequent enactment.

CAP. VIII.

(Assented to 24th February 1885.)

BARBADOS.

An Act to repeal section eight of the Act of the twenty ninth day of January one thousand eight hundred and forty one, entitled, "An Act to authorise the appointment of a Chief Judge for this Island, and to amend an Act entitled, 'An Act for increasing and establishing the salary of Her Majesty's Attorney General of this Island, made and passed on the fifth day of June one thousand eight hundred and ten.'"

Preamble.

WHEREAS it is deemed expedient to repeal section eight of the above

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mentioned Act of the twenty ninth day of January one thousand eight hundred and forty one, with a view of placing the Chief Judge and Attorney General on the same footing in respect of leave of absence as the other members of the civil service; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

1. Section eight of the Act of the twenty ninth day of January one thousand eight hundred and forty one entitled, "An Act to authorize the appointment of a Chief Judge for this Island, and to amend an Act entitled 'An Act for increasing and establishing the salary of Her Majesty's Attorney General of this Island, made and passed on the fifth day of June one thousand eight hundred and ten,'" is hereby repealed.

Repeal section.

CAP. IX.

(Assented to 28th February 1885.)

BARBADOS.

An Act to provide for the payment out of the Public Treasury of the salary of the Governor and Commander-in-Chief of this Island, and of the salary of his Private Secretary

WHEREAS Her Majesty's Government have resolved to advise Her Majesty to separate the Government of Barbados from that of the other Windward Islands; And Whereas it is deemed expedient to provide for the payment out of the Public Treasury of the salary of the Governor and Commander-in-Chief of this Island and of the salary of his Private Secretary, after the

LAWS OF BARBADOS.

aforesaid separation has been made ; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same as follows ;

Short title.

I. This Act may be cited for all purposes as " The Governor's Salary Act, 1885."

Governor to receive from Public Treasury an annual salary of £3000.

II. From and after the coming into operation of this Act, the Officer Administering the Government of this Island shall be entitled to receive from the Public Treasury, for his own use, the annual sum of three thousand pounds.

Private Secretary to receive from Public Treasury an annual salary of £300.

III. From and after the coming into operation of this Act the Private Secretary of the Officer Administering the Government of this Island shall be entitled to receive from the Public Treasury, for his own use, the annual sum of three hundred pounds.

Mode of payment of these salaries.

IV. The several annual sums hereinbefore mentioned shall be paid out of the Public Treasury by equal monthly instalments on warrant of the Governor-in-Executive Committee.

Repeal section.

V. " The Governor's Salary Act, 1882" shall from the coming into operation of this Act be repealed.

Suspending section.

VI. This Act shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same, or any other proclamation ; provided always that this Act shall not come into operation before the separation of the Government of Barbados from that of the other Windward Islands.

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CAP. X.

(Assented to 11th March 1885.)

BARBADOS.

An Act to provide for the better security of the property of co-partnerships and other joint beneficial owners against larceny and embezzlement by part owners thereof.

WHEREAS it is expedient to provide for the better security of the property of co-partnerships and other joint beneficial owners against larceny and embezzlement by part owners thereof; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows;

I. This Act may be cited as "The co-partnerships and joint owners security of property Act, 1885."

II. If any person being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities, or other property, of or belonging to any such co-partnership, or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same, as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

Preamble.

Short title.

Member of co-partnership or one of several owners guilty of converting to his own use, &c., property of co-partnership, &c., liable to be tried as if not a member, &c.

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CAP. XI.

(Assented to 20th March 1885.)

BARBADOS.

An Act to amend the law relating to the property of married women.

Short title.

Interpretation of terms

Married woman to be capable of acquiring, holding and disposing of property and of contracting as a *feme sole*.

WHEREAS it is expedient to amend "The Married Women's Property Act, 1879"; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;
I. This Act may be cited as "The Married Women's Property Act, 1885."

II. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastation committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action.

III (1) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding and disposing by will or otherwise of any real or personal property as her separate property, in the same manner as if she were *feme sole* without the intervention of any trustee.

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property, on any contract, and of suing and being sued either in contract or in tort or

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otherwise in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property, and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property and not otherwise.

(3) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown.

(4) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(5) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy and insolvent traders laws in the same way as if she were a *feme sole*.

IV. Every woman who marries after the passing of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage including any wages, earnings, money and property gained or acquired by her in any employment,

Property of a woman married after this Act to be held by her as a *feme sole*.

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trade or occupation in which she is engaged, or which she carries on separately from her husband or by the exercise of any literary, artistic, or scientific skill.

Loans by wife to
husband

V. Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy or insolvency under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Execution of a
general power.

VI. The execution of a general power by will, by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Property acquired
after this Act by a
woman married be-
fore this Act to be
held by her as a *feme
sole*.

VII. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the passing of this Act, including any wages, earnings, money and property so gained or acquired by her as aforesaid.

As to stock &c. to
which a married
woman is entitled.

VIII. All deposits in any savings bank or any other bank, all annuities granted by any person, and all sums forming part of the stocks or funds transferable in the books of any bank which at the passing of this Act are standing in the sole name of a

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married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial or otherwise, or of or in any industrial, provident, friendly, benefit, building or loan society which at the passing of this Act are standing in her name shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, annuity, sum forming part of the stocks or funds transferable in the books of any bank, share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use so as to authorize and empower her to receive or transfer the same, and to receive the dividends interest and profits thereof without the concurrence of her husband, and to indemnify the directors managers and trustees of every such bank, corporation, company, public body or society as aforesaid in respect thereof.

IX. All sums forming part of the stocks or funds transferable in the books of any bank, and all such deposits and annuities respectively as are mentioned in the last preceding section, and all shares, stock, debenture, debenture stock and other interest of or in any such corporation, company, public body or society as aforesaid which after the passing of this Act shall be allotted to or placed, registered or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until contrary be shown, to be her separate property in

As to stock &c. to be transferred &c. to a married woman.

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respect of which so far as any liability may be incident thereto her separate estate shall alone be liable whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not. Provided always that nothing in this Act shall require or authorise any corporation or Joint Stock Company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident contrary to the provisions of any Act of this Island, bye-law, articles of association, or deed of settlement regulating such corporation or company.

Investments in joint names of a married woman and any persons or person other than her husband.

X. 'All the provisions hereinbefore contained as to deposits in any savings bank, or in any other bank, annuities granted by any person, sums forming part of the stocks or funds transferable in the books of any bank, shares, stock, debentures, debenture stock, or other interests of or in any such corporation, company, public body or society as aforesaid respectively which at the passing of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be allotted to, or placed registered, or transferred to, or into, or made to stand in the sole name of a married woman shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the passing of this Act or at any time afterwards, shall be standing in, or shall be allotted to, placed, registered, or transferred to or into, or made to stand in the name of any married woman jointly with any persons or person other than her husband.

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XI. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid or any sum forming part of the stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman, and any other person or persons not being her husband.

Husband need not join in transfer of any such annuity &c. standing in sole name of married woman or in her name jointly with others as aforesaid.

XII. If any investment in any such deposit or annuity as aforesaid, or in any of the stocks or funds transferable as aforesaid, or in any share, stock, debenture or debenture stock of any corporation, company or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right or claim whatsoever in to or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may upon application under section seventeen of this Act, order such investment and the dividends thereof, or any part thereof to be transferred and paid respectively to the husband ; and nothing in this Act contained shall give validity as against creditors of the husband to any gift, by a husband to his wife, of any property, which, after such gift shall continue to be in the order and disposition or reputed ownership of the husband, or to any deposit or other investment of moneys of the husband, made by or in the name of his wife in fraud of his

Fraudulent investments with money of husband.

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creditors ; but any moneys so deposited or invested may be followed as if this Act had not passed.

As to moneys payable under policies of assurance effected by a married woman for her separate use or by a man for the benefit of his wife and children, &c.

XIII. A married woman may by virtue of the power of making contracts hereinbefore contained effect a policy upon her own life or the life of her husband for her separate use ; and the same and all benefit thereof shall enure accordingly. A policy of assurance effected by any man on his own life and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts. Provided, that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof and for investment of the moneys payable under any such policy. In default of any such appointment of a trustee such policy immediately on its being effected, shall vest in

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the insured and his or her legal personal representatives, in trust for the purpose aforesaid. If at the time of the death of the insured, or at any time afterwards, there shall be no trustee or it shall be expedient to appoint a new trustee or new trustees, a trustee or trustees, or a new trustee or new trustees may be appointed by any Court having jurisdiction under the provisions of "The Trustee Act," 1872. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representative to the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

XIV. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever including her husband, the same civil remedies and also (subject as regards her husband, to the proviso hereinafter contained) the same remedies and redress by way of criminal proceeding, for the protection and security of her own separate property, as if such property, belonged to her as a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding. Provided always that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are

Remedies of married women for protection and security of separate property.

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living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert his wife.

Wife's antenuptial
debts and liabilities.

XV. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of "The Joint Stock Companies Act, 1866"; and she may be sued for any such debt, and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs and for all damages or costs recovered in respect thereof. Provided always that nothing in this Act shall operate to increase or diminish the liability of any woman married before the passing of this Act for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act, and to which she would not have been entitled for

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her separate use under the Act hereby repealed or otherwise, if this Act had not passed.

XVI. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under "The Joint Stock Companies Act, 1866," to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him and any sums for which judgment may have been *bona fide* recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid, but he shall not be liable for the same, any further or otherwise; and any Court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount or value of such property. Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the passing of this Act for or in respect of any such debt or other liability of his wife as aforesaid.

XVII. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part against both of them; and if in any such action, or in any action brought in respect of any

Husband to be liable for his wife's debts contracted before marriage to a limited extent.

Proceedings against husband and wife jointly in respect of such debts or liabilities.

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such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for the costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property, and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Liability of wife to criminal proceedings.

XVIII. A wife doing any act with respect to any property of her husband which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall in like manner be liable to criminal proceedings by her husband, and in any criminal proceeding against a husband or a wife as is authorised by this Act, the husband and wife respectively shall be competent and admissible witnesses, and except when defendant, compellable to give evidence.

Questions between husband and wife as to property to be decided in a summary way.

XIX. In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid, in whose books any stocks, funds, or shares of either party are standing may

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apply by summons or otherwise in a summary way to the Vice Chancellor, or Chief Judge of the Court of Common Pleas or (at the option of the applicant irrespectively of the value of the property in dispute) to the Assistant Court of Appeal in respect of its original jurisdiction or to the Judge of the Petty Debt Court of the district in which either party or the applicant resides and the Vice Chancellor, or Chief Judge of the Court of Common Pleas, or the Assistant Court of Appeal, or the Judge of the Petty Debt Court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application as he or it thinks fit, or may direct such application to stand over from time to time and any inquiry touching the matters in question to be made in such manner as he or it shall think fit. Provided always that any order of the Vice Chancellor, Chief Judge of the Court of Common Pleas, Assistant Court of Appeal, or Judges of the Assistant Court of Appeal, or Judge of the Petty Debt Court under the provisions of this section, shall be subject to appeal in the same way as any other order made by the same Court would be, and all proceedings in the Assistant Court of Appeal or Petty Debt Court under this section in which, by reason of the value of the property in dispute, such Court would not have had jurisdiction if this Act or "The Married Women's Property Act 1879", had not passed, may at the option of the defendant or respondent to such proceedings, be removed as of right into the Court of Chancery or Court of Common Pleas by writ of certiorari or otherwise as may be prescribed by any rule of such Court

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of Chancery or Court of Common Pleas ; but any order made or act done in the course of such proceedings prior to such removal shall be valid, unless order shall be made to the contrary by such Court of Chancery or Court of Common Pleas. Provided also that the Vice Chancellor, or the Judge of the Court of Common Pleas, or the Judges of the Assistant Court of Appeal, or the Judge of the Petty Debt Court, if either party so require may hear any such application in his or their private room. Provided also, that any such bank, or corporation company, public body, or society as aforesaid, shall in the matter of any such application for the purposes of costs or otherwise, be treated as a stakeholder only.

Married woman as
an executrix or
trustee.

XX. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of the stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit right, claim or other interest of or in any such corporation, company, public body, or society in that character, without her husband, as if she were a *feme sole*.

Saving of existing
settlements and of
the power to make
future settlements:-

XXI. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipa-

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tion at present attached to or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument, but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

XXII. Where relief is given under the provisions of the Acts relating to the relief of the destitute poor to the husband of any woman having separate property, the cost price of such relief is hereby declared to be a loan from the Poor Law Guardians of the parish in which the same shall be given, and shall be recoverable from such woman as if she were a *feme sole* by the same actions and proceedings as money lent.

XXIII. A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren. Provided always that nothing in this Act shall relieve her husband from any liability imposed upon him by law to maintain her children or grand children.

XXIV. "The Married Women's Property Act, 1879," is hereby repealed; Provided that such repeal shall not affect any act done

Married woman to be liable to the parish for the maintenance of her husband;

and of her children and grandchildren.

Repeal section.

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or right acquired while such Act was in force, or any right or liability of any husband or wife, married before the passing of this Act, to sue or to be sued under the provisions of the said repealed Act for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the passing of this Act.

Rights of legal
personal representa-
tives of married
women.

XXV. For the purpose of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subjected to the same jurisdiction as she would be if she were living.

CAP. XII.

(Assented to 21st March 1885.)

BARBADOS.

An Act to authorise the Vestries of the several parishes to grant leave of absence to their Parochial Treasurers.

WHEREAS it is expedient to authorise the Vestries of the several parishes to grant leave of absence to their Parochial Treasurers; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

Short title.

Any Vestry may
grant leave of ab-
sence to their Pa-
rochial Treasurer, and
extend such leave.

I. This Act may be cited as "The Parochial Treasurers Leave of Absence Act, 1885."

II. The vestry of any parish may from time to time grant leave of absence to the Parochial Treasurer of such parish for any period that they may be willing to grant, and may

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from time to time extend such leave for such additional period as they may think fit.

III. Whenever any leave of absence shall be granted to any Parochial Treasurer he shall nominate some fit and proper person to be approved of by the Vestry to act in his place and stead.

Appointment of person to act as Parochial Treasurer.

IV. Any leave of absence or extended leave of absence granted to any Parochial Treasurer, and the appointment of the person who shall be nominated and appointed to act in the place and stead of such Parochial Treasurer shall be subject to the approval of the Governor-in-Executive Committee.

Leave of absence or extension of leave and appointment of ag. Parochial Treasurer subject to approval of Governor-in-Ex.-Committee.

V. The person appointed to act in the place and stead of the Parochial Treasurer to whom any leave shall be granted shall before entering upon his duties become bound by an obligation in writing of the same kind, in the same amount, and with suitable sureties as the Parochial Treasurer in whose place and stead he shall be appointed to act, and he shall perform the like duties and have the same powers and be subject to the like conditions restrictions and proceedings in all respects as such Parochial Treasurer.

Rights, duties, &c. of acting Parochial Treasurer.

CAP. XIII.

(Assented to 25th March 1885.)

BARBADOS.

An Act to alter and amend "The Bishop's Appointment Act," 1872.

WHEREAS it is deemed expedient to alter and amend "The Bishop's Appointment Act," 1872; Be it therefore enacted by the Governor, Council, and As-

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sembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited for all purposes as "The Bishop's Appointment Act, 1872, Amendment Act, 1885."

Mode of appointing Rectors.

II. Whenever the office of Rector of any of the parishes shall be vacant, the Bishop for the time being appointed under "The Bishop's Appointment Act," 1872, shall from time to time, and as often as may be necessary, convene a meeting of the persons holding the following places for the time being, and such persons shall act as counsellors or advisers of the Bishop in filling up the vacancy, namely ;

Bishop's counsellors.

1. The senior member of the Legislative Council residing in the parish where there shall be such vacancy, but if he shall be unable from illness or any other cause to act as one of such counsellors or advisers, then any other member of the Legislative Council residing in such parish, in the order of seniority, not prevented by illness or any other cause from acting as one of such counsellors or advisers, and if there should not be any member of the Legislative Council residing in such parish, or there being such they or he shall be unable from illness or any other cause to act as one of such counsellors or advisers, then the President of the Legislative Council, and if the President of the Legislative Council shall be absent from the Island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the Legislative

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Council resident in the Island not prevented by illness or any other cause from acting as one of such counsellors or advisers.

2. The senior representative in the House of Assembly for the parish, where there shall be such vacancy, but if he shall be absent from the Island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the junior representative in the House of Assembly for such parish, and if such junior representative shall be absent from the Island, or be unable from illness or any other cause to act as one of such counsellors or advisers, then the Speaker of the House of Assembly, and if it shall happen that the Speaker of the House of Assembly be absent from the Island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the Vestry of such parish, (other than the Churchwarden) resident in the Island, not prevented from illness or any other cause from acting as one of such counsellors or advisers; provided always that at the expiration or dissolution of any session of the General Assembly or during the prorogation of the same, the persons who were last members in the House of Assembly for the parish where such vacancy shall occur, and the last Speaker of the Assembly shall for the purposes of this Act be deemed to be respectively representatives in the House of As-

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sembly for such parish and to be Speaker of the Assembly ; provided also that as regards the parish of Saint Michael the senior representative of the City of Bridgetown, or in his absence from any cause the junior representative of the City, shall act as an additional counsellor and adviser, and shall possess and exercise all the powers conferred on any other counsellors or advisers under this sub-section.

3. The Rural Dean of the district in which the parish is situate where there shall be such vacancy, but if he shall be absent from the Island or unable from illness or any other cause to act as one of such counsellors or advisers, then the Rural Dean of any other district in this Island in the order of seniority wherever practicable.
4. The Churchwarden of the parish where there shall be such vacancy, but if he shall happen to be absent from the Island or be unable from illness or any other cause to act as one of such counsellors or advisers, then the senior member of the Vestry of such parish resident in the Island not required under subsection two to be a counsellor or adviser of the Bishop and not prevented by illness or any other cause from acting as one of such counsellors or advisers.
5. The senior member resident in the Island of the vestry of the parish where there shall be such vacancy not required under subsections two and four or either of them to be a

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counsellor or adviser of the Bishop and not prevented by illness or any other cause from acting as one of such counsellors or advisers.

6. And the delegate or representative to be chosen as hereinafter in this Act provided.

and if three of the said counsellors or advisers shall at such meeting signify their approval in writing of the person whom the Bishop nominates to fill such vacancy, the Bishop shall appoint such person to fill such vacancy, but if three of the said counsellors or advisers shall not approve of such person the Bishop shall nominate as often as occasion shall require some other person to fill such vacancy until three of the said counsellors or advisers shall signify their approval in writing at such meeting of the person whom the Bishop shall so nominate, and if any appointment shall be made by the Bishop contrary to the provisions and requirements of this Act, such appointment shall be null and void. Provided always that if any of the persons hereinbefore required to be counsellors or advisers shall not be members of the Anglican Church, such other of the persons hereinbefore required to be such counsellors or advisers shall act as such counsellors or advisers as would be required to act if such counsellors and advisers who are not members of the Anglican Church were not resident in the parish or be absent from the Island as the case may be. Provided also that if any of the persons required to act as counsellors or advisers shall hold more than one of the foregoing places he shall for the purposes of this Act be deemed to hold only such one of those places he holds as is first mentioned in the foregoing subsections and in

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all other respects he shall for the purposes of this Act be deemed to hold such one place only ; and provided also that whenever the senior member of the Vestry shall be a counsellor or adviser by reason of some qualification other than that of seniority as a vestryman, then the member of the Vestry next in seniority shall take his place as such counsellor or adviser.

Delegate, who is to act as counsellor, how chosen.

III. The choice of a delegate shall be made in accordance with the following provisions ;

- (1) The day on which and the place where the election is to take place shall be duly notified in the parish church at each of the services on the two Sundays immediately preceding the election ;
- (2) All persons who are seatholders in the parish church and who have paid all pew rents due and owing by them at the time of such election shall be entitled to vote at such election ;
- (3) The election shall be made by means of a poll which shall be opened at two o'clock in the afternoon, and continue open until six o'clock in the evening ;
- (4) Every candidate for the post of delegate shall, before his name is placed on the polling paper be proposed by at least one person having the right to vote at the election ;
- (5) The poll shall be opened and taken by some person having the right to vote at the election, such person being selected from among themselves by the persons having the right to vote at the election who are present at the hour when the poll is to be opened ;

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- (6) The person who takes the poll shall when the poll is closed declare the candidate in whose favour the majority of votes recorded have been given to be elected, and shall make a return to the Bishop of the name and abode of the person so elected.

IV. When any Rectory becomes vacant, the Bishop shall without delay direct the Minister officiating at the parish church on the two Sundays next succeeding the vacancy to give the notice mentioned in sub-section one of the last preceding section.

Bishop to direct minister to give the notice mentioned in the last preceding section.

V. Any meeting to be convened by the Bishop of his counsellors or advisers shall be held in the Committee Room of the Public Buildings, or in some other convenient room in the said buildings, of which not less than five days notice in writing to the said counsellors or advisers stating the name of the clergyman proposed to be appointed and the day and hour at which such meeting is to be held shall be given either personally or through the Post Office addressed to the place of abode or other known place of residence or business of such counsellors or advisers, and any notice if given by post shall be deemed to have been given at the time when the notice would be delivered in the ordinary course of the post.

Mode in which Bishop is to convene meeting of his counsellors.

VI. Section four of "The Bishop's Appointment Act" 1872 and the Acts of the twenty first day of November one thousand eight hundred and seventy six, and of the fifth day of April one thousand eight hundred and seventy nine, to amend "The Bishop's Appointment Act," 1872, are hereby repealed.

Repeal section.

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Limitation of effect
of repeal section.

VII. The repeals hereby made shall not affect

1. The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed.
2. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment hereby repealed.
3. Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed.
4. Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed.

CAP. XIV.

(Assented to 31st March 1885.)

BARBADOS.

An Act to authorise Cooper Boxill of the City of Bridgetown in this Island, Merchant, to use as a Lumber Yard certain lands now owned by him, situate in Fairchild Street in the said City.

WHEREAS Cooper Boxill hath by humble petition presented to the Legislature of this Island, prayed that an Act might be passed authorizing him and his heirs and assigns to use certain lands owned by him in Fairchild Street in the City of Bridgetown in this Island as a lumber yard; And Whereas it is deemed expedient

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for the reasons stated in the said petition to grant the prayer thereof ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

I. The said Cooper Boxill his heirs and assigns, are hereby authorized and empowered to use and occupy all those three several pieces or parcels of land situate, lying and being in the said City of Bridgetown and Island of Barbados aforesaid in a certain street or place there called Fairchild Street—the first containing by estimation five thousand and twelve square feet or thereabouts, butting and bounding on other lands of the said Cooper Boxill, on lands of Ann Niles, on a narrow Alley called Grant's Alley, and on Fairchild Street aforesaid, or however else the same may butt and bound—the second containing by estimation five thousand and eighty five square feet and the one third of a square foot or thereabouts, butting and bounding on lands of Dorothy Patience Eastmond, on lands of John D. Shepherd, on lands of Mrs. Maria Lofty, on Grant's Alley aforesaid, and Fairchild Street aforesaid, or however else the same may butt and bound—and the third containing by estimation nine thousand four hundred and thirty square feet or thereabouts, butting and bounding on lands of Peter Drinan Rivers Rebitt, on lands of the estate of Mrs. Mary E Nutt, deceased, on lands of Miss Mary John, on a narrow Alley called Sergeant's Alley, and on Fairchild Street aforesaid, or however else the same may butt and bound, as a lumber yard : and deposit and keep thereon for sale or otherwise lumber and all other things of the nature thereof

Cooper Boxill, his heirs and assigns, authorised to use certain pieces of land in Fairchild Street as a lumber yard.

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usually kept and sold by persons carrying on a lumber business

Section 23 of Act of 14th March, 1860, repealed, so far as necessary to give effect to this Act.

II. Section twenty three of the Act of this Island made and passed on the fourteenth day of March one thousand eight hundred and sixty, entitled, "An Act for improving that part of the City of Bridgetown which has lately been destroyed by fire, and for the better security of the City against fire," shall be and the same is hereby repealed, so far as is necessary to give effect to this Act, but not further or otherwise.

CAP. XV.

(Assented to 1st April 1885.)

BARBADOS.

An Act to extend the provisions of "The Bank Holidays Act, 1873."

WHEREAS it is deemed expedient to extend the provisions of "The Bank Holidays Act, 1873"; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

Short title.

I. This Act may be cited for all purposes as "The Bank Holidays Act, 1873, Extension Act, 1885."

Definition.

II. In this Act the expression "place of business" means any office, counting house, store, shop, workshop, warehouse, stall or booth, or any other place where business of any description is carried on or transacted.

No employee to be allowed or required to attend at any place of business on any bank holiday.

III Every person or body politic or corporate, who shall allow or require the attendance of any one or more employee or employees at any place of business on any Bank holiday, shall be deemed to

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have offended against the provisions of this Act, and shall for every such offence incur and pay a penalty not exceeding fifty pounds, and such penalty shall be to Her Majesty, her heirs and successors for the uses of the Island, and may be recovered on the complaint of any person as in the case of servants' wages.

IV. There shall be excepted from the operation of this Act ;

Exceptions.

- 1—Hotels and boarding houses and clubs
- 2—Restaurants and refreshment bars for the sale of articles consumed on the premises.
- 3—Livery Stables.
- 4—The business of "The Barbados Railway Company, Limited."
- 5—The business of "The Bridgetown Tramways Company, Limited."
- 6—The business of the West India and Panama Telegraph Company, Limited.
- 7—The business of the Barbados Telephone Company, Limited.
- 8—The business of the Barbados Gas Company.
- 9—The business of agents of any steamers coming to the Island or any business for the purpose of such steamers,
- 10—The business of plantations or business of owners of lands relating to such plantations or lands.
- 11—The business of undertakers of funerals in any case of emergency or necessity ; such emergency or necessity to be determined by the Police Magistrate before whom any complaint is heard.

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2—Any place of business for the sale of any of the following articles,

(a) Drugs or medicines.

(b) Bread, fresh fish, butchers meat or ice not later than nine o'clock in the morning.

(c.) Cooked food.

13—The selling of any article in any place of business which may be required in any case of illness of any person or animal, where the seller thereof has reasonable grounds for believing such article to be required for either of these purposes ; such reasonableness to be determined by the Police Magistrate before whom any complaint is heard.

Sitting of a Court not to begin on a bank holiday, and need not be continued on such day, if it begins before.

V. Whenever a Bank holiday falls on any day on which according to law a sitting of any court would begin, such sitting shall not begin on that day but on the day next following the Bank holiday, and whenever a Bank holiday occurs during the sitting of any court, it shall be lawful for such court at its rising on the day next preceding such Bank holiday to adjourn until the day next succeeding the Bank holiday.

First Monday in August a bank holiday.

VI. The schedule to "The Bank Holidays Act. 1873," shall be read and construed as if the first Monday in August were included therein.

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(CAP. XVI.

(Assented to 1st April 1885.)

BARBADOS.

An Act to amend "The Education Act, 1878."

WHEREAS it is deemed expedient to amend "The Education Act, 1878"; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

I. This Act may be cited as "The Education Act, 1878, Amendment Act, 1885."

Short title.

II. The Education Board are hereby authorised to amalgamate the duties required by "The Education Act, 1878" to be performed by the Inspector of Schools, and the Sub-Inspector of Schools respectively, and to assign to them respectively such portion of such duties as to them, the Education Board, shall seem right and proper.

Present duties of Inspector and Sub-Inspector of Schools to be amalgamated and apportioned anew between the two officers.

III. The Sub-Inspector of Schools shall hereafter be designated "The Assistant Inspector of Schools."

Change of title of Sub-Inspector.

IV. Section four of "The Education Act, 1878," shall read as if the salary mentioned therein was written two hundred pounds; section six as if the salary mentioned therein was written four hundred pounds; and section eight as if the salary mentioned therein was written three hundred pounds.

Change in the salaries of the Secretary of the Education Board and of the Inspector and Sub-Inspector of Schools.

V. The Inspector of Schools and Assistant Inspector of Schools shall hold an examination of all the elementary schools under their supervision at least once in every year and report in writing on such schools to the Education Board not later than the first day of March in each year, to be by the

All elementary schools to be examined at least once in every year.

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Education Board laid before the Governor for the information of the Legislature.

Limiting section.

VI This Act shall continue in force up to and inclusive of the thirty first day of March one thousand eight hundred and eighty eight.

CAP. XVII.

(Assented to 16th April 1885)

BARBADOS.

An Act to amend the law of evidence.

BE it enacted by the Governor, Council and Assembly of this Island and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Evidence Amendment Act, 1885."

In any trial comparison of a disputed writing with a genuine writing to be permitted.

II. In any trial, civil or criminal, comparison of a disputed writing with any writing proved to the satisfaction of the Judge to be genuine shall be permitted to be made by witnesses, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

CAP. XVIII.

(Assented to 12th May 1885.)

BARBADOS.

An Act to substitute a Rule of Court for writs of Mandamus and Prohibitions in certain cases.

WHEREAS it is deemed expedient to substitute in the cases hereinafter specified a Rule of Court for a writ of Mandamus or Prohibition ; Be it therefore enacted by the Governor, Council and Assem-

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bly of this Island, and by the authority of the same, as follows ;

I. This Act may be cited for all purposes as "The Mandatory and Prohibitory Rule Act, 1885."

Short title.

II. No writ of Mandamus shall henceforth issue to the Judges of the Assistant Court of Appeal or any of them, or any officer of the said court, or to a police magistrate or a justice or justices of the peace, or to a Judge or officer of any of the Petty Debt Courts for refusing to do any act relating to the duties of their respective offices ; but any party requiring such act to be done may apply to the Court of Common Pleas upon an affidavit of the facts for a rule calling upon the judges, judge, police magistrate, justice or justices of the peace, or officer of court refusing to do such act, and also the party to be affected by such act, to show cause why such act should not be done ; and if after the service of such rule good cause shall not be shown, the Court of Common Pleas may by rule direct the act to be done, and the judges, judge, police magistrate, justices or justice of the peace or officer of court ordered by such rule to do such act, upon being served with such rule shall obey the same on pain of attachment ; and in any event the Court of Common Pleas may make such order with respect to costs as to such court shall seem fit.

Rule or order substituted for writ of Mandamus in cases herein mentioned.

III. When an application is made to the Court of Common Pleas for a writ of prohibition to be addressed to the Judges of the Assistant Court of Appeal in any cause within the original jurisdiction of that Court

Applications for writ of prohibition in cases herein mentioned to be finally disposed of by rule or order.

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or in any case of an appeal from a decision of a Petty Debt Court, or to a Judge of any Petty Debt Court, the matter shall be finally disposed of by rule or order, and no declaration or further proceedings in prohibition shall be allowed.

Granting of rule or summons to show cause why writ of prohibition should not issue, to operate as stay of proceedings if so directed.

IV. The granting by the Court of Common Pleas of a rule or summons to show cause why a writ of prohibition should not issue to the Assistant Court of Appeal or to a Petty Debt Court shall, if the Court of Common Pleas so direct, operate as a stay of proceedings in the cause to which the same shall relate, until the determination of such rule or summons, or until the Court of Common Pleas shall otherwise order; and the judges of the Assistant Court of Appeal or the judge of the Petty Debt Court (as the case may be) shall from time to time adjourn the hearing of such cause to such day as he shall think fit, until such determination or until such order be made.

Protection to persons complying with rule or order under this Act.

V. No action or proceeding whatsoever shall be commenced or prosecuted against such judges, judge, police magistrate, justice or justices of the peace or officer of court as aforesaid, for having obeyed such rule as aforesaid, and done or abstained from doing the act thereby required to be or prohibited from being done.

Mode of proceeding specified in section two to be adopted in cases under section 5 of "The Poor Relief Act, 1880."

VI. In all such cases as are mentioned or referred to in section five of "The Poor Relief Act, 1880," the mode of proceeding specified in section two of this Act shall be substituted for the mode of proceeding by writ of Mandamus.

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CAP. XIX.

(Assented to 12th May 1885.)

BARBADOS.

An Act to amend "The Judgment Creditors Remedies Act, 1884."

WHEREAS it is deemed expedient to repeal section nineteen of "The Judgment Creditors' Remedies Act, 1884;" Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

I. Section nineteen of "The Judgment Creditors' Remedies Act, 1884," shall be and the same is hereby repealed, and the Act of the nineteenth day of May one thousand seven hundred and fifty four, entitled "An Act to allow interest on all debts ascertained by Judgments," shall be and remain in full force in this Island, as fully and effectually to all intents and purposes whatsoever, as if section nineteen of "The Judgment Creditors' Remedies Act, 1884," had never been in existence.

Repeal section.

II. This Act and the said "The Judgment Creditors' Remedies Act, 1884," shall be read and construed together as one Act.

To be read and construed as one with the Amended Act.

CAP. XX.

(Assented to 21st May 1885.)

BARBADOS.

An Act to continue the subsidy granted by the Act of the sixth day of March one thousand eight hundred and seventy six, entitled, "An Act to grant a subsidy to the West India and Panama Telegraph Company, Limited."

WHEREAS the period for which the annual subsidy of two thousand five

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hundred pounds is granted by section one of the Act of the sixth day of March one thousand eight hundred and seventy six, entitled, "An Act to grant a subsidy to the West India and Panama Telegraph Company, Limited," is granted, expired on the first day of January one thousand eight hundred and eighty five ; And Whereas it is deemed expedient to continue the subsidy to the Company for a further period of three years computed from the said first day of January one thousand eight hundred and eighty five ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Annual subsidy of
£2,500 to W. I. & P.
Telegraph Company
continued from 1st
Jany. 1885 to 31st
Decr. 1887.

I The annual subsidy of two thousand five hundred pounds granted by section one of the said Act of the sixth day of March one thousand eight hundred and seventy six, to the West India and Panama Telegraph Company, Limited, which grant ceased on the first day of January one thousand eight hundred and eighty five, shall be and the same is hereby continued to be granted annually from the said first day of January one thousand eight hundred and eighty five, until (and inclusive of) the thirty first day of December one thousand eight hundred and eighty seven ; and the said annual subsidy shall be paid in the manner and upon the terms and conditions on which under the provisions of section one of the said Act the annual subsidy was paid for the nine years ending the thirty first day of December one thousand eight hundred and eighty four.

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CAP. XXI.

(Assented to 23rd May, 1885.)

BARBADOS.

An Act to require that all votes upon the taking of a poll at any election of members to serve in the General Assembly or in the several vestries of this Island shall be given by ballot.

WHEREAS it is deemed expedient to require that all votes upon the taking of a poll at any election of members to serve in the General Assembly or in the several vestries of this Island shall be given by ballot; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

I. This Act may be cited as "The Ballot Act, 1885."

Short title.

II. In this Act, if not inconsistent with the context, the following expressions shall have the meanings hereinafter respectively assigned to them, that is to say;

Definitions.

The expression "election," means an election of a member or members to serve either in the General Assembly or in any of the vestries of the several parishes.

The expressions "candidates" or "candidate" means any persons or person who have or has been nominated as or declared themselves or himself candidates or a candidate at an election.

The expression "sheriff" means a person under whatever designation presiding at an election.

LAWS OF BARBADOS.

The expression "elector" means any person qualified to vote for members to serve either in the House of Assembly in respect of the parish or City of Bridgetown for which he is registered, or in any of the vestries of the several parishes for which he is so registered including in the parish of Saint Michael the City of Bridgetown.

The expression "register" means the register for the time being of voters qualified to vote for members to serve either in the General Assembly or in any of the vestries of the several parishes including in the parish of Saint Michael the City of Bridgetown.

The expression "polling place" means the house or room in which an election is held.

Procedure at Poll.

Votes, when poll required at an election, to be taken by ballot.

Of what ballot shall consist.

III. In the case of a poll being required at an election the votes shall be given by ballot, the ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and descriptions of the candidates arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names, it shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face and shall be in the form set forth in schedule "A" to this Act, or as near thereto as circumstances admit, and shall be capable of being folded up.

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IV. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The sheriff at any polling place just before the commencement of the poll shall shew the ballot box empty to such persons as may be present in such polling place, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Ballot boxes—how to be constructed ;

to be shewn empty before any votes are taken,

and then to be locked and sealed.

V. Every elector shall be entitled to demand and receive a ballot paper, but immediately before it is delivered to such elector it shall be marked on both sides by the sheriff with a mark called in this Act "the official mark," and the number and name of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the copy of the register against the number of the elector to denote that he has received a ballot paper, but without shewing the particular ballot paper which he has received.

Every elector entitled to a ballot paper.

Duty of sheriff before delivering it.

VI. The elector on receiving the ballot paper shall forthwith proceed into the compartment or one of the compartments in the polling place and there secretly mark his vote by placing a cross on the right hand side of the ballot paper opposite the name of each candidate for whom he votes, thus X, and shall then fold up the ballot paper so as to conceal his vote, but so as to shew the official mark on the back, and shall then

Course to be followed by an elector on receiving a ballot paper.

LAWS OF BARBADOS.

What ballot papers
to be void and not
counted.

put his ballot paper so folded up into the ballot box in the presence of the sheriff after having shewn to him the official mark on the back ; any ballot paper which has not on its back the official mark or on which votes are given to more candidates than the elector voting is entitled to vote for, or on which anything except the said number on the back is written or marked by which the elector can be identified shall be void and not counted, he shall vote without undue delay and shall quit the polling place as soon as he has put his ballot paper into the ballot box.

Votes of electors,
prevented voting by
blindness or other
physical cause, or
unable to read, how
taken.

VII. The sheriff on the application of any elector who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or of any elector who is unable to read shall cause the vote of such elector to be marked on a ballot paper in manner directed by such elector, and the ballot paper to be placed in the ballot box, and the name and number on the register of every elector whose vote is marked in pursuance of this section, and the reason why it is so marked shall be entered on a list to be called "the list of voters marked by the sheriff."

Lists to be made of
votes so taken.

Vote of an elector,
who is absent owing
to his being engaged
as sheriff or candidate
elsewhere, how
taken.

VIII. Any sheriff or candidate engaged at an election who is an elector for any other parish or the City of Bridgetown than the parish or City of Bridgetown for which he shall be such sheriff or candidate may address and forward a letter signed by him to the sheriff presiding at the election for such other parish or City of Bridgetown for which he shall be such elector stating therein the names of the candidates for whom he desires to vote, and the sheriff presiding at

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such election shall on the receipt of such letter cause the vote of such sheriff or candidate who is such elector, to be marked on a ballot paper in manner directed in such letter by such sheriff or candidate, and the ballot paper to be placed in the ballot box, and the name and number on the register of such sheriff or candidate whose vote is marked in pursuance of this section, and the reason why it is so marked shall be entered on the list mentioned in the last preceding section called "the list of voters marked by the sheriff."

Lists to be kept of votes so taken.

IX. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall upon duly answering the questions and taking the oath permitted to be asked and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called "a tendered ballot paper") instead of being put into the ballot box shall be given to the sheriff and indorsed by him with the name of the voter, and the number in the register and set aside, and shall not be counted by the sheriff, and the name of the voter and his number on the register shall be entered on a list called "the tendered votes lists."

Course to be adopted in case of a person claiming to vote as being a specified elector, after another person has voted as such elector.

"Tendered votes list."

X. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on delivering to the sheriff the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the sheriff, obtain

Under what circumstances an elector may obtain a second ballot paper.

LAWS OF BARBADOS.

another ballot paper in the place of the ballot paper so delivered up, and the spoiled ballot paper shall be immediately cancelled.

Procedure after close of Poll.

Result of poll, when, how and in whose presence to be ascertained.

Precautions to be taken by sheriff.

Course to be pursued by sheriff with respect to ballot papers rejected by him.

XI. After the close of the poll and before the sheriff shall depart from the place of election the ballot box shall be opened by the sheriff in the presence of the candidates or the persons who proposed them, or any other persons nominated by them for the purpose in attendance and no other person, except with the sanction of the sheriff and he shall ascertain the result of the poll by counting the votes given to each candidate, but while doing so shall keep the ballot papers with their face upwards, and take all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

XII. The sheriff shall indorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the indorsement "rejection objected to" if an objection be in fact made by any candidate or the person who proposed him to the decision of the sheriff. The sheriff shall report to the Governor-in-Executive Committee in the case of any election of members to serve in the General Assembly and to the Chairman of the Vestry to which any election relates the number of ballot papers rejected and not counted by him under the several heads of ;

- (1.) Want of official mark.
- (2.) Voting for more candidates than entitled to.
- (3.) Writing or mark by which voter could be identified.

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(4.) Unmarked or void for uncertainty.
and shall on request allow the candidate or the person who proposed him before such report is sent in, to copy it.

XIII. The decision of the sheriff as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

His decision in such cases to be final, subject, &c.

XIV. Upon the completion of the counting and the declaration by the sheriff of the candidates elected, the sheriff shall seal up each description of papers relating to the election in separate packets and in the case of any election of members to serve in the General Assembly return the same to the Colonial Secretary, and in the case of an election of members to serve in any of the Vestries return the same to the Chairman of the Vestry to which the election relates, and in either case indorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the parish or City of Bridgetown for which such election was held, and the Colonial Secretary and the Chairman of the Vestry respectively shall retain for one year all documents and papers so returned to them respectively as aforesaid, and then the Colonial Secretary unless otherwise directed by an order of the House of Assembly and the Chairman of the Vestry, unless otherwise directed by the Court of Common Pleas, shall cause them to be destroyed.

Disposal by the sheriff of the papers relating to the election when result of poll is declared.

XV. The papers required by the last preceding section to be sealed up by the sheriff shall be sealed up by him in the presence of the candidates or the persons who proposed them, or any other person nominated

In whose presence such papers to be sealed up.

LAWS OF BARBADOS.

by them for the purpose in attendance and by no other person except with the sanction of the sheriff.

Provisions preventing inspection of election papers except under competent authority.

Rejected ballot papers not to be inspected except under the order of the House of Assembly or the Court of Common Pleas.

XVI. No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary except under the order of the House of Assembly or the Court of Common Pleas, or in the custody of the Chairman of the Vestry except under the order of the Court of Common Pleas to be granted by such Court on being satisfied by evidence on oath that the inspection of production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return, and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the House of Assembly or Court of Common Pleas making the same may think expedient, and shall be obeyed by the Colonial Secretary or Chairman of Vestry as the case may be, and the power given to the Court of Common Pleas by this section may be exercised by the Judge of the said Court at Chambers.

Election papers in the custody of the Colonial Secretary or of the Chairman of any Vestry not to be opened except under the order of the House of Assembly or of the Court of Common Pleas.

XVII. No person shall except by order of the House of Assembly open any election papers relating to the election of members to serve in the General Assembly so as aforesaid returned to the Colonial Secretary, and in his custody and no person shall except by order of the Court of Common

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Pleas or the Judge thereof open any election papers relating to the election of members to serve in any of the Vestries, so as aforesaid returned to the Chairman of the Vestry of each of the several parishes and in his custody ; such order may be made subject to such conditions as to person, time, place, and mode of opening or inspection as the House of Assembly or the Court of Common Pleas or the Judge thereof making the order may think expedient ; provided that in making and carrying into effect any such order care should be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by competent authority to be invalid ; and such papers shall be resealed at such time and in such manner as the House of Assembly or the Judge of the Court of Common Pleas may respectively from time to time direct.

XVIII. When an order is made for the production by the Colonial Secretary or the Chairman of any of the Vestries of any document in either of their possession relating to any specified election the production by such Colonial Secretary of the document ordered by the House of Assembly in such manner as may be directed by such order or the production by such Chairman of Vestry of the document ordered by the Court of Common Pleas or the Judge thereof in such manner as may be directed by such order or by a rule of the Court of Common Pleas shall be conclusive evidence that such document relates to the specified election ; and any indorsement appearing on any packet of papers produced by such Colonial Secretary or Chairman of Vestry shall be evidence

Production by Colonial Secretary or Chairman of a Vestry of documents under any such order as aforesaid to be conclusive evidence that such documents are the ones required.

Indorsement on any packet of papers so produced to be conclusive evidence

LAWS OF BARBADOS.

of papers being what indorsement states ; effect in evidence of production from proper custody of a ballot paper and its counterfoil.

of such papers being what they are stated to be by the indorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by such ballot paper was the person who at the time of such election had annexed to his name in the register at such election the same number as the number written on such counterfoil.

Offences at Elections.

Offences in respect of ballot papers, and ballot boxes.

XIX. Every person who

- (1.) forges or counterfeits or fraudulently defaces, or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (2.) without due authority supplies any ballot paper to any person ; or
- (3.) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in ; or
- (4.) fraudulently takes out of the polling place any ballot paper ; or
- (5.) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election

shall be guilty of a misdemeanour and be liable, if he is a sheriff, to imprisonment for any term not exceeding two years with or without hard labor, and if he is any other person to imprisonment for any term not exceeding six months with or without hard labor. Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence

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itself is punishable. In any indictment or other prosecution for an offence in relation to the ballot boxes and ballot papers at an election, the property in such boxes and papers may be stated to be in the sheriff at such election as well as the property in the counterfoil.

XX. Every person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting in such place, and shall not communicate except for some purpose authorised by law before the poll is closed to any person any information as to the name or number on the register of any elector who has or has not applied for a ballot paper, or voted at that polling place or as to the official mark, and no such person whosoever shall interfere with or attempt to interfere with an elector when marking his vote or otherwise attempt to obtain in the polling place information as to the candidate for whom any voter in such election is about to vote or has voted, or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such polling place is about to vote or has voted or as to the number on the back of the ballot paper given to any elector at such polling place. Every such person in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting or to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any elector to display his ballot paper after he shall have marked the same so as to make

Infringement of
secrecy.

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known to any person the name of the candidate for whom he has so marked his vote. Every person who acts in contravention of the provisions of this section shall be liable on summary conviction before a Police Magistrate to imprisonment for any term not exceeding six months with or without hard labor.

General Provisions.

Each polling place to be furnished with one or more compartments.

XXI. Each polling place shall be furnished with one or more compartments as shall be necessary in which the electors can mark their votes screened from observation.

Directions for the guidance of electors to be printed and placarded in various places.

XXII. Directions for the guidance of the electors in voting according to the form set forth in schedule "A" to this Act shall be printed in conspicuous characters and placarded in various places, outside and inside of every polling place and in addition thereto, in every compartment of every polling place, and be illustrated by examples of the ballot paper.

Parochial Treasurer of each parish to provide ballot boxes &c. within three days before polling day.

XXIII. The Parochial Treasurer of each parish shall within three days before polling day provide such ballot boxes, ballot papers, polling compartments, materials for electors to mark the ballot papers, directions for the guidance of electors in voting, and such other things as may be necessary for effectually conducting any election in manner provided by this Act. All expenses incurred by any Parochial Treasurer in carrying into effect the provisions of this Act shall be allowed him in the passing of his accounts before the Vestry of the parish for which he shall be Parochial Treasurer.

Non-attendance of candidate, &c., in whose presence any act is to, or may be

XXIV. Where in this Act any expressions are used, requiring or authorising or inferring that any act or thing is to be done in the presence of the candidates or of the

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persons who proposed them, or any other persons nominated by them for the purpose, such expressions shall be deemed to refer to the presence of such of the candidates or of the persons who proposed them or of any other persons nominated by them for the purpose as may be authorized to attend, and as have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any candidate, or of any person who proposed him or, of any of the persons nominated by him for the purpose of such time and place shall not if such act or thing be otherwise duly done, in any wise invalidate the act or thing done.

done, not to invalidate act done.

XXV. Every sheriff and every other person authorised to attend a polling place or at the counting of the votes shall before the opening of the poll make the oath of secrecy according to the form prescribed in schedule B to this Act ; if he is the sheriff before either of the candidates or either of the persons who proposed either of them or before any Justice of the Peace present, or if he is any other person before the sheriff or any Justice of the Peace present.

Oath of secrecy. by and before whom to be taken.

XXVI. If any person misconduct himself in the polling place or fails to obey the lawful orders of the sheriff, he may immediately by order of the sheriff be removed from the polling place by any police officer or constable in or near that place, or any other person authorised in writing by the Sheriff to remove him, and the person so removed shall not unless with the permission of the sheriff again be allowed to enter the polling place during the day. The powers conferred by this section shall not

Keeping of order in the polling place.

LAWS OF BARBADOS.

be exercised so as to prevent any elector who is otherwise entitled to vote at any polling place from having an opportunity of voting at such polling place.

Prohibition of disclosure of vote.

XXVII. No elector who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted.

Effect of mistake in use of form given in schedule.

XXVIII. No election shall be declared invalid by reason of any mistake in the use of the form in the schedule marked "A" to this Act annexed, if it appears to the authority having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such mistake did not affect the result of the election.

Vote to be struck off for bribery, treating, or undue influence.

XXIX. When a candidate on the trial of any petition to controvert any election is proved to have been guilty by himself or by any person on his behalf of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election as agent clerk, messenger, or in any other employment is proved on such trial to have voted at such election there shall be struck off from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election, and is proved to have been so bribed, treated, or unduly influenced or so retained or employed for reward as aforesaid.

Effect of schedule.

XXX. Schedule "A" to this Act and the notes thereto, and directions therein shall be construed and have effect as part of this Act.

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SCHEDULE "A."
FORM OF BALLOT PAPER.
Form of Front of Ballot Paper.

1	ATWELL. (SAMUEL JOHN ATWELL, of Emerald Plantation, Christ Church. Landed Proprietor.)	
2	GREAVES. (WILLIAM HERBERT GREAVES, of Stratford Lodge, Saint Michael, Barrister at Law.)	
3	PILE. (ARCHIBALD JONES PILE, of Greens Plantation, Saint George, Landed Proprietor.)	
4	YEARWOOD. (TIMOTHY YEARWOOD, of Edge Hill Plantation, Saint Thomas, Landed Proprietor.)	

COUNTERFOIL.

No.

NOTE

The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

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Form of Back of Ballot Paper.

No.

Election for (House of Assembly or Vestry as the case may be) for (parish of (or City of Bridgetown as the case may be) 18

NOTE—The number on the Ballot Paper is to correspond with that in the Counter-foil.

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of directions for the guidance of the elector in voting which shall be printed in conspicuous characters, and placarded in various places outside and inside of every polling place, and in addition thereto in every compartment of every polling place.

The voter may vote for candidate

The voter will go into one of the compartments and with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of each candidate for whom he votes, thus—x.

The voter will then fold up the ballot paper so as to show the official mark on the

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back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the sheriff, and then, in the presence of the sheriff, put the paper into the ballot box, and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he can return it to the sheriff, who, will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given him by the Sheriff, he will be guilty of a misdemeanour and be subject to imprisonment for any term not exceeding six months, with or without hard labor.

Note—These directions shall be illustrated by examples of the ballot paper.

SCHEDULE B.

I solemnly make oath and say that I will not at this election for do anything forbidden by section twenty of "The Ballot Act, 1885," which has been read to me.

Note.—The section must be read to the person taking the oath by the person administering it.

LAWS OF BARBADOS.

CAP. XXII.

(Assented to 26th May 1885.)

BARBADOS.

An Act to make valid the marriage of a man with the sister of a deceased wife.

WHEREAS doubts have arisen in this Island as to the validity of the marriage of a man with the sister of his deceased wife, and it is expedient to remove such doubts; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

Every marriage, otherwise lawful, between any man and his deceased wife's sister, whether prior or subsequent to this Act, to be valid.

Proviso.

I. Every marriage, otherwise lawful, which has heretofore been or shall hereafter be celebrated or contracted, in this Island or elsewhere, between any person and the sister of his deceased wife shall, in this Island, be deemed, and is hereby declared to have been and to be valid, and of full force and effect, any law or custom to the contrary notwithstanding; provided that this Act shall not render valid any such marriage in any case where either of the parties to such marriage shall thereafter before the passing of this Act have lawfully intermarried with any other person, nor shall the passing of this Act deprive or be held to have deprived any person of any property which such person may have lawfully inherited prior to the coming into operation of this Act or affect any *lis pendens*.

No Clergyman to be compelled to solemnize or to incur any liability for not solemnizing any such marriage.

II. No Clergyman in Holy Orders of the Anglican Church or any other Clergyman shall be compelled to solemnize the marriage of any person with a sister of his deceased wife, or shall be liable to any suit, penalty or censure for refusing to solemnize any such marriage

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III. This Act shall not come into operation unless and until the Officer Administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other proclamation.

Suspending section

CAP. XXIII.

(Assented to 27th May 1885.)

BARBADOS.

An Act to authorise the payment of a pension to the present Town Clerk on his retirement, and to provide for the abolition of the office of Town Clerk, and the future performance of the duties hitherto attached to that office.

WHEREAS it is deemed expedient to authorise the payment of a pension to the present Town Clerk on his retirement, and also to provide for the abolition of the office of Town Clerk, and for the future performance of the duties hitherto attached to that office : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

I. This Act may be cited as " The Town Clerk's Office Abolition Act, 1885."

Short title,

II. The present Town Clerk shall on his retirement from the civil service of the colony be entitled to receive from the Public Treasury, in equal monthly instalments payable on the warrant of the Governor-in-Executive Committee, an annual pension of one hundred and thirty pounds.

Present Town Clerk to receive on retirement a pension of £130 a year ;

LAWS OF BARBADOS.

to be exempt from liability to pay up the contribution of £2 per cent

and to forfeit all claim to deductions made from his salary.

Abolition of office of Town Clerk.

Duties of Town Clerk to be performed by senior Clerks of Bridgetown Police Magistrates.

Such Clerks to receive an annual addition to their salaries of £80 each.

Bond to be given by those Clerks.

III. The present Town Clerk shall not be required to pay into the Public Treasury the contribution of two per centum per annum upon the salary or official income received by him before the passing of the Act of the fifth day of November one thousand eight hundred and seventy, entitled, "An Act to make provision for a Superannuation Fund for persons employed in the Public Service," or be entitled to demand a refund of any deductions made from his salary or official income since the passing of that Act.

IV. From and after the retirement of the present Town Clerk, the office of Town Clerk shall cease to exist.

V. From and after the retirement of the present Town Clerk, the senior clerk attached to the court of the senior Police Magistrate of Bridgetown and the senior clerk attached to the court of the junior Police Magistrate of Bridgetown shall each, in respect of the court to which he is attached, have the several powers and perform the several duties hitherto had and performed by the Town Clerk.

VI. From and after the retirement of the present Town Clerk, the said senior clerks shall each be entitled to receive in the same manner and on the same conditions as their present salaries an additional annual sum of thirty pounds.

VII. Each of the said clerks shall before entering on the discharge of the duties imposed on them by this Act, enter into bond to Her Majesty her heirs and successors, himself in the sum of two hundred pounds and two sureties in the sum of one hundred pounds each for the faithful discharge of the duties of his office, and for the due accounting for

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and payment of all moneys received by him under this Act.

VIII. Each of the said Magistrates shall in respect of the several duties imposed by this Act on the senior clerk attached to his court have the same powers and be subject to the same responsibility, as the several rural police magistrates, in respect of the similar duties performed by their respective clerks have and are subject to.

Power and responsibility of Police Magistrates in respect of such duties.

CAP XXIV.

(Assented to 27th June 1885.)

BARBADOS.

An Act to amend "The Insolvent Traders Act, 1846."

WHEREAS it is deemed expedient to amend "The Insolvent Traders Act, 1846;" Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows ;

I. After any adjudication of insolvency the real and personal estate of the insolvent unless taken in execution by the Provost Marshal before the adjudication shall be sold by the Official Assignee or his agent only.

Official Assignee to sell all of an insolvent's property not taken in execution before the adjudication.

II. The real and personal estate of any insolvent trader, against whom a fiat of insolvency shall have issued, that shall have been taken in execution by the Provost Marshal, prior to the adjudication of insolvency, shall be sold by the Provost Marshal.

Provost Marshal to sell all of an insolvent's property taken in execution before the adjudication.

III. The proceeds of sale of any real and personal estate sold by the Provost Marshal under section two of this Act shall be distributed by him, in accordance with the law regulating his office, among the several

Provost Marshal to distribute proceeds of sale of property sold by him, &c.

LAWS OF BARBADOS.

Surplus to be paid over by him to Official Assignee.

Act to be read with "The Insolvent Traders Act, 1846," as one Act.

Short title.

creditors of the insolvent on whose judgments writs of execution have issued and been lodged in his office, and the surplus (if any) of such proceeds shall be paid over by him to the Official Assignee, and the Provost Marshal shall not be entitled to any commission in respect of such surplus.

IV. This Act and "The Insolvent Traders Act, 1846," shall be read and construed together as one Act.

V. This Act may be cited for all purposes as "The Insolvent Traders Act, 1846, Amendment Act, 1885."

CAP. XXV.

(Assented to 27th June, 1885)

BARBADOS.

An Act to regulate the sale of poisons.

WHEREAS the unrestricted sale of poisons facilitates the commission of crime and is the cause of many dangers to the health and life of individuals, and it is therefore deemed expedient that such sale should be regulated by law; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows;

Short title.

I. This Act may be cited for all purposes as "The Sale of Poisons Act, 1885."

Articles named in schedule A to be deemed poisons within the meaning of this Act.

Additions to the list may be made by Governor-in-Executive Committee.

II The several articles named or described in the schedule A, annexed hereto, shall be deemed to be poisons within the meaning of this Act, and the Governor-in-Executive Committee may from time to time by resolution declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and such

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resolution shall be advertised three times in the Official Gazette, and on the expiration of one month from the last of such advertisements, the article named in such resolution shall be deemed to be a poison within the meaning of this Act.

III. No poison shall be sold by any person either by wholesale or by retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article, and the word poison, and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison of those which are in schedule A to this Act or may hereafter be added thereto under the preceding section of this Act to any person unknown to the seller unless such purchaser be introduced to the seller by some person known to him, or present a written order from a person whose handwriting shall be known to him; and on every sale of any such poison the seller shall before delivery make or cause to be made an entry in a book to be kept by him for that purpose, stating in the form set forth in schedule B annexed to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduced him shall be affixed, or on whose order it was delivered.

Regulations to be observed on the sale of poisons.

IV. Any person selling poison otherwise than is herein provided shall, if summarily convicted thereof before any Police Magistrate on the complaint of any person whomsoever, be liable to a penalty not exceeding

Penalty for violating this Act.

LAWS OF BARBADOS.

five pounds for the first offence, and to a penalty not exceeding ten pounds for the second or any subsequent offence, and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

Cases to which this Act does not apply.

Proviso.

Sellers of poisons may be called on to produce at any coroner's investigation, the books kept by them under this Act.

V. The provisions of this Act shall not apply to patent medicines or to homœopathic attenuated medicines, or to any medicine supplied by a legally qualified medical practitioner to his patients, or to any article when forming part of the ingredients of any medicine dispensed or sold by a chemist or druggist; provided such medicine so as aforesaid supplied, dispensed or sold be distinctly labelled with the name and address of the seller and the names and proportions of the several ingredients thereof or in the case of homœopathic medicine the name and dilution of the drug supplied be entered with the name of the person to whom it is sold or delivered in a book to be kept by the seller for that purpose.

VI. Any coroner may on any investigation being held before him call on any seller of poisons to produce for examination the books kept by him in accordance with the provisions of this Act, and any seller of poison who shall fail to produce the said books when called on to do so shall be liable to a penalty not exceeding fifty shillings to be imposed and recovered in the manner specified in section twelve of the Act passed on the seventh day of December one thousand eight hundred and seventy eight, entitled, "An Act to amend the laws of this Island relating to Coroners;" but the provisions of this section shall not be deemed in anywise to diminish the liability of any person selling poison to

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be called on to produce before a coroner or any other person the said or any other books or documents the production of which may now be by law compelled,

SCHEDULE A.

Aconite, and its preparations
Arsenic and its preparations
Belladonna, and its preparations
Barium—salts of
Cantharides
Corrosive Sublimate, and all other poisonous preparations of Mercury
Chloroform.
Chloral Hydrate
Croton Oil
Ergot of Rye and its preparations
Essential oil of Almonds unless deprived of its prussic acid
Nux Vomica, and its preparations
Opium and all preparations of opium or poppies
Oxalic Acid
Poisonous Glucosides
Phosphorus
Prussic Acid
Potassium Cyanide, and all metallic cyanides
Savin and its oil
Strychnine and all poisonous vegetable Alkaloids, and their salts
Tartar Emetic

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SCHEDULE B.

Date	Name and address of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Signature of person introducing purchaser.

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CAP. XXVI.

(Assented to 27th June 1885.)

BARBADOS.

An Act to amend the law relating to mortgages and judgments affecting land.

WHEREAS it is deemed expedient to amend the law relating to mortgages and judgments affecting land; Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same, as follows ;

I. This Act may be cited as "The Transfer of Securities Act, 1885."

Short title.

II. In this Act,

Definitionr.

- (1) "land" includes land of any tenure and tenements and hereditaments corporeal or incorporeal and houses and other buildings, also an undivided share in land ;
- (2) "mortgage" includes any charge on land for securing money or moneys worth ; mortgagor includes any person from time to time deriving title under the original mortgagor or entitled to redeem a mortgage according to his estate, interest or right in the mortgaged land ; and "mortgagee" includes any person from time to time deriving title under the original mortgagee and
- (3) "judgment debt" includes any debt or sum of money secured or ordered to be paid by any judgment obtained or confessed in any Court ; "judgment debtor" includes any person from time to time deriving title under the original judgment debtor or entitled to pay off and have satisfaction entered

LAWS OF BARBADOS.

in respect of the judgment debt, or any part thereof; and "judgment creditor" includes any person from time to time deriving title under the original judgment creditor.

Obligation on mortgagee or judgment creditor to transfer instead of reconveying or entering satisfaction.

III. Where a mortgagor or judgment debtor is entitled to redeem the mortgage, or to pay off, and have satisfaction entered in respect of the judgment debt, he shall by virtue of this Act have power to require the mortgagee or judgment creditor, instead of reconveying or entering satisfaction, and on the terms on which he would be bound to re-convey or enter satisfaction, to assign the mortgage debt and convey the mortgaged property or to assign the judgment debt and the benefit of the judgment and of the writ of execution (if any) thereon and of all other securities (if any) to any third person as such mortgagor or judgment debtor directs and the mortgagee or judgment creditors shall by virtue of this Act be bound (as the case may be) to assign and convey as aforesaid or to assign as aforesaid accordingly.

Cases to which this Act applies

IV. This Act shall apply to mortgages and judgments made and obtained or confessed either before or after its passing and shall have effect notwithstanding any stipulation to the contrary; provided always that this Act shall not apply to any mortgage or judgment if and so long as the mortgagee or judgment creditor is by any defeasance, condition or contract precluded from enforcing payment of the principal sum by such mortgage or judgment secured, or of some part thereof.

Act to apply to cases in which part of a mortgage or judgment debt is vested in one person

V. In all cases in which any part of a mortgage debt or of a judgment debt has been or shall be assigned or transferred to and is held by some person or persons other

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than the person or persons in whom the remainder of such debt is vested, the mortgagor or judgment debtor shall be entitled to redeem or pay off such part or such remainder as if it were an entire and independent debt; and in respect of such part and of such remainder and of the securities therefor, the mortgagor or judgment debtor on the one hand and the mortgagee or judgment creditor on the other hand shall respectively have and be subject to powers and obligations respectively similar to the power and obligation which are by section three of this Act respectively conferred and imposed on them respectively in the case of an entire mortgage debt or of an entire judgment debt and of the mortgage or judgment by which the same is secured.

and the remainder in another or other person or persons.

CAP. XXVII.

(Assented to 7th July, 1885.)

BARBADOS.

An Act to amend "The Trade Act 1878, Amendment Act, 1883."

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

I. This Act may be cited as "The Customs Tariff Amendment Act, 1885," and shall be read with "The Trade Act, 1878," and "The Trade Act 1878, Amendment Act, 1883," as one Act.

Short title.

II. Schedule A, Table A, of "The Trade Act 1878, Amendment Act, 1883" is hereby amended as follows, namely ; the schedule shall be read as if the words at the end of the said Table A, "four per cent advalorem"

Advalorem duties raised from 4 per cent to 8 per cent.

LAWS OF BARBADOS.

were omitted, and in place thereof the words "eight per cent advalorem," shall be read.

Commencement
and duration of Act.

III: This Act shall come into force from the date of the passing thereof, and shall continue in force until (and inclusive of) the thirty first day of December one thousand eight hundred and eighty six.

CAP. XXVIII.

(Assented to 17th July 1885.)

BARBADOS.

An Act to regulate the keeping of places of public entertainment.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Licensed Places of Public Entertainment Act, 1885."

Definition.

II. The term "place of public entertainment" when used in this Act shall mean any house, room, garden, or other place habitually kept, although not at stated intervals, for public dancing or other public entertainment in which the public may join on payment of money either directly or indirectly.

No person to keep a place of public entertainment without obtaining annually a license.

III. From and after the passing of this Act, no person shall in any year have, keep, or open any place of public entertainment unless and until he has in manner hereinafter provided, previously in such year, obtained a license for that purpose.

Per alty on infringing section 3.

IV. Every person who infringes the provisions of the last preceding section of this Act, shall for every offence be liable to a penalty not exceeding five pounds.

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V. Every person who desires to obtain a license to keep a house, room, garden, or other place of public entertainment shall in each year in which he desires to obtain such license comply with the following requirements ;

Mode of obtaining a license.

- (1) he shall produce and leave with the Colonial Treasurer a certificate from the police magistrate of the district in which he intends to keep such place of public entertainment, certifying that to the knowledge of such police magistrate, he is a fit and proper person to keep a place of public entertainment, and
- (2) he shall pay to the Colonial Treasurer the sum of one pound.

VI. Every person who complies with the provisions of the preceding section shall receive from the Colonial Treasurer, who is hereby authorised and required to give the same, a license in the form marked 'A' in the schedule to this Act ; which license shall authorise such person to keep a place of public entertainment from the date of such license up to and inclusive of the thirty-first day of December in the year in which such license is given.

Licenses to be given by Colonial Treasurer.

Their form and effect.

VII. The license mentioned in the last preceding section shall not be transferable.

License not transferable.

VIII. Whenever any person holding a license under the provisions of this Act shall be desirous to remove from the place of public entertainment in respect of which such license was originally granted, before doing so he shall have the consent of the police magistrate of the district in which the place to which he intends to remove is situated ; provided always that not more

Removal of license-holder from one place to another.

LAWS OF BARBADOS.

than two such removals shall be permitted in any one year.

Penalty.

IX. Whoever shall infringe the provisions of the last preceding section shall be liable to a penalty not exceeding five pounds.

Signboards.

X. Every person who keeps a place of public entertainment shall exhibit on some public part of the premises a signboard having the words "Licensed Place of Public Entertainment No " and the number of his license painted thereon in white letters of not less than three inches in height on a black ground.

Who to be deemed the keeper of any place of public entertainment.

XI. Any person who shall appear, act, or behave himself or herself as master or mistress, or as the person having the care, government or management of any place of public entertainment shall be deemed and taken to be the keeper thereof, and shall be liable to be prosecuted and punished as such; notwithstanding he or she shall not in fact be the real owner or keeper thereof.

No place of public entertainment to be on the same premises with the shop of a licensed retailer of liquors.

XII. No house, room, garden, or other place on the same premises with the shop of a licensed retailer of liquors shall be licensed as a place of public entertainment under a penalty not exceeding one pound for every day that such licensed place of public entertainment is kept on the same premises with the shop of a licensed retailer of liquors.

License of keeper of a place of public entertainment prejudicial to the peace and quiet of any neighbourhood may be cancelled on complaint of any householder residing within 400 yds. thereof.

XIII. Any householder residing within four hundred yards of any place of public entertainment, may lodge a complaint before a police magistrate against the keeper of such licensed place of public entertainment for causing the disturbance of the peace and quiet of the neighbourhood and if upon the hearing of such complaint, such police magistrate shall be of opinion that on account of the

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misconduct of those frequenting or attending such place of public entertainment, or on account of the musical performances held at such place of public entertainment, or from any reasonable or sufficient cause whatsoever, the keeping of such place of public entertainment is prejudicial to the peace and quiet of such neighbourhood, he shall cancel the license of such keeper and impose upon him a fine not exceeding five pounds.

XIV. Nothing in this Act contained shall extend or be construed to extend to the cases of persons casually visiting the Island, and giving any public entertainment.

Cases excepted from the Act.

XV. All penalties under this Act shall be recovered in a summary manner before a police magistrate on the complaint of any person, and paid one half to the informer and one half into the public treasury to the credit of the general revenue.

Recovery of penalties under the Act.

SCHEDULE A

No.

Barbados

188 .

THE LICENSED PLACES OF PUBLIC ENTERTAINMENT ACT, 1885."

I do hereby certify that

of in the parish or City
of having this day paid in
the sum of one pound is hereby licensed
to keep a for public entertainment
at in the parish or City of
until the 31st day of

December 188 .

Colonial Treasurer.

[NOT TRANSFERABLE.]

LAWS OF BARBADOS.

CAP. XXIX.

(Assented to 17th July 1885.)

BARBADOS.

An Act to amend "The Liquor License Act, 1876."

WHEREAS it is deemed expedient to amend "The Liquor License Act, 1876;" Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited for all purposes as "The Liquor License Act, 1876, Amendment Act, 1885."

The words "or Justice of the Peace" to be omitted in sect. 7 of "The Liquor License Act, 1876."

II. In section seven of "The Liquor License Act, 1876" in lines five and fourteen respectively omit the words "or Justice of the Peace."

Repeal section.

III. Sections nine and ten of the "The Liquor License Act 1876," are hereby repealed, and sections four and five of this Act shall stand and be read as sections nine and ten of the said Act.

Licenses to retail spirits, &c., to be granted on payment of sums varying as the sums at which the applicants have been rated on trade, according to the scale herein stated.

IV. The Colonial Treasurer shall grant licenses to qualified persons to retail spirits, malt-liquors, and wines, and such licenses shall be granted by the said Treasurer according to the following rules and scales, that is to say ; where the person applying to the Colonial Treasurer shall have been rated on trade by the Vestry of the Parish of Saint Michael as regards the City of Bridgetown and the Parish of Saint Michael, and by the Vestry of the Parish of Saint Peter as regards Speights Town, for the year next preceding such application at twenty pounds or over, he shall pay for such license the sum of thirty pounds ; if rated at ten pounds and less than

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twenty pounds, he shall pay for such license the sum of fifteen pounds; and if rated at less than ten pounds, he shall pay the sum of ten pounds; provided always that if any persons or person shall retail spirits, malt liquors and wines at more than one place in the City of Bridgetown and the Parish of Saint Michael or Speights Town respectively, then such persons or person shall be rated by the vestries of the parishes of Saint Michael and Saint Peter respectively, separately in respect of each place where they or he shall carry on such retail trade, and the amount to be paid for the license to be granted by the Colonial Treasurer for each place where such persons or person shall carry on such retail trade shall be regulated by the sum at which such persons or person shall be rated as aforesaid in respect of the place for which such license is required according to the rules and scales in this section before-mentioned.

Proviso.

V. If any person applying for a license to retail spirits, malt liquors and wines shall not have been rated at all to the said City of Bridgetown, the parish of Saint Michael or Speights Town for the preceding year, whereof the absence of his name from the list of persons rated for the year next preceding his application to the Colonial Treasurer shall be conclusive evidence, then he shall be deemed to be applying for a license for the first time, and in any such case he shall pay for such license to retail spirits, malt liquors and wines during the then current year the sum of ten pounds and no more; provided always that if any persons or person already rated to the City of Bridge Town or parish of Saint Mi-

Sums to be paid for licenses to retail spirits, &c., by persons not rated on trade.

LAWS OF BARBADOS.

chael or Speights Town respectively as aforesaid, and holding a license for the retail of spirits, malt liquors and wines in respect of any place for which he shall be rated as aforesaid shall desire to retail spirits, malt liquors and wines at any other place in the City of Bridge Town or parish of Saint Michael or Speights Town respectively, then such persons or person shall be deemed to be applying for a license for the first time, and shall pay for such license in respect of such last mentioned place the sum of ten pounds and no more, for the then current year.

£10 to be substituted for £5 in sect. 12 of "The Liquor License Act, 1876."

License granted after 1st Jan. in any year, not to be granted on payment of a smaller sum.

Penalty on licensed retailer of liquors refusing to deliver up license when ordered to do so under sect. 20 of "The Liquor License Act, 1876."

Colonial Treasurer &c. to have right of entering houses, shops, and stores of traders, and of seizing all spirits, &c, found therein

VI. In line seven of section twelve of "The Liquor License Act, 1876," for "five pounds" substitute "ten pounds."

VII. In section thirteen of "The Liquor License Act, 1876," omit from "and any license taken" in line seven to "full rate as the case may be" in lines fourteen and fifteen inclusive.

VIII. If any licensed retailer of liquors who shall be ordered under the provisions of section twenty of "The Liquor License Act, 1876," to deliver up his license to the police magistrate, shall refuse to comply with the order, he shall upon complaint, to be lodged before any police magistrate, be liable to be imprisoned for any term not exceeding three months with or without hard labour.

IX. It shall be lawful for the Colonial Treasurer, any Inland Revenue Officer or Officer of the Customs Department, any Justice of the Peace, or any Parochial Treasurer within his parish, to enter at any time between the hours of six a.m., and nine p.m., the houses, shops or stores of

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all persons trading or carrying on any business, and, where such persons so trading or carrying on business are not licensed retailers of liquors, to seize all spirits, malt liquors or wines which they may find therein with a view to ascertaining whether any of the offences mentioned in the 16th section of "The Liquor License Act, of 1876," have been committed.

X. No licensed retailer of liquors shall mix or permit another to mix rum with any ingredient or material so as to render the rum injurious to health, with intent that the same may be sold in that state; And no licensed retailer of liquors shall sell any rum so mixed under a penalty not exceeding twenty five pounds, to be recovered in a summary manner before a police magistrate on the complaint of any person, and to be paid into the public treasury for the benefit of the general revenue.

XI. The following words when used in this Act, if not inconsistent with the context, shall have the meanings hereafter assigned to them, that is to say;

"Rum" shall mean distilled spirits of every kind containing alcohol.

"Proof" shall mean by the strength of proof as ascertained by Sykes' hydrometer.

XII. This Act shall not affect,

(1.) any right, privilege, obligation or liability acquired, accrued or incurred before the passing of this Act; nor

(2.) any penalty, forfeiture or punishment incurred in respect of any offence committed against the sections hereby repealed.

No licensed retailer of liquors to adulterate or permit the adulteration of rum intended for sale so as to render it injurious to health, or to sell rum so adulterated.

Definitions.

Savings and exceptions.

LAWS OF BARBADOS.

CAP. XXX.

(Assented to 17th July 1885.)

BARBADOS.

An Act to prevent bribery, treating and undue influence at the elections of members for the General Assembly, and the several vestries of this Island.

WHEREAS it is deemed expedient to legislate for the prevention of bribery, treating, and undue influence at the election of members for the General Assembly, and the several vestries of this Island; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

Short title.

I. This Act may be cited for all purposes as "The Corrupt Practices Prevention Act, 1885."

Definitions.

II. Throughout this Act in the construction thereof, except there be something in the subject or context repugnant to such construction, the word "election" shall mean the election of any member or members to serve in the General Assembly or in any of the vestries of this Island; the words "returning officer" shall apply to any person or persons to whom by virtue of his or their office under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in the General Assembly, or in any of the vestries of this Island, by whatever name or title such person or persons may be called; the word "voter" shall mean any person who has or claims to have a right to vote in the election of a member or members to serve in the General Assembly or in any of the

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vestries of this Island; and the words "candidate at an election" shall include all persons elected as members to serve in the General Assembly or in any of the vestries of this Island at such election, and all persons nominated as candidates, or who shall have declared themselves candidates at or before such election.

III. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly;

What persons to be deemed guilty of giving bribes or bribery.

- (1.) Every person who shall directly or indirectly by himself, or by any other person on his behalf give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure any moneys or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.
- (2.) Every person who shall directly or indirectly by himself or by any other person on his behalf, give or procure or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter

LAWS OF BARBADOS.

having voted or refrained from voting at any election.

- (3.) Every person who shall directly or indirectly by himself or by any other person on his behalf make any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the General Assembly or in any of the vestries of this Island or the vote of any voter at any election.
- (4.) Every person who shall upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure, the return of any person to serve in the General Assembly, or in any of the vestries of this Island, or the vote of any voter at any election.
- (5.) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

And any person so offending shall be liable to forfeit the sum of one hundred pounds to any person who shall sue for the same, together with full costs of suit.

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IV. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly ;

What persons to be deemed guilty of receiving bribes or bribery.

- (1.) Every voter who shall, before or during any election directly, or indirectly, by himself or by any other person on his behalf receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place or employment for himself, or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.
- (2.) Every person who shall, after any election, directly or indirectly by himself or by any other person on his behalf receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote, or to refrain from voting at any election.

And any person so offending shall be liable to forfeit the sum of ten pounds to any person who shall sue for the same together with full costs of suit.

V. Any person, either directly or indirectly, corruptly paying any rates or taxes on behalf of any rate payer for the purpose of enabling him to be registered as a voter thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate or tax on behalf of any voter for the purpose of inducing him to vote or refrain from voting, and also any person on whose behalf and with whose privity any such payment, as in this section is mentioned, is

Corrupt payment of rates or taxes punishable as bribery.

LAWS OF BARBADOS.

made, shall be deemed guilty of bribery and shall be punishable accordingly.

Treating defined.

VI. Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall be guilty of treating, and shall be punishable accordingly.

Undue influence defined.

VII. Every person who shall directly or indirectly by himself, or by any other person on his behalf make use of, or threaten to make use of any force, violence, or restraint, or inflict or threaten the infliction by himself or by or through any other person of any temporal or spiritual injury, damage, harm, or loss, or in any other manner, practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give or refrain from giving his vote at any election, shall be deemed to

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have committed the offence of undue influence, and shall be liable to forfeit the sum of fifty pounds to any person who shall sue for the same, together with full costs of suit.

VIII. Whenever it shall be proved before the revising barrister that any person who is or claims to be placed on the list or register of voters for the city of Bridgetown, or any parish, has been convicted of bribery, treating or undue influence at an election, or that judgment has been obtained against any such person for any penal sum hereby made recoverable in respect of the offences of bribery, treating or undue influence, or either of them, then and in that case such revising barrister shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim, and the names of all persons whose names shall be so expunged from the list of voters, and whose claims shall be so disallowed shall be thereupon inserted in a separate list to be entitled, "The list of persons disqualified for bribery, treating, or undue influence," which last mentioned list shall be appended to the list or register of voters, and shall be printed and published, or copied therewith whenever the same shall be or is required to be printed or published or copied; and the revising barrister shall have and exercise under this Act, the powers conferred on him by section eighteen of "The Elective Franchise Extension Act, 1884."

Names of offenders to be struck out of registers of voters and inserted in separate list.

IX. No candidate before, during, or after any election shall in regard to such election by himself or agent, directly or indirectly, give or provide to or for any person

No cockades &c. to be given at elections.

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Penalty.

Payments for
cockades &c. to be
deemed illegal.

Voters not compel-
lable to serve as spe-
cial constables
during any election.

Penalties for
bribery, treating or
undue influence how
to be recovered.

having a vote at such election, or to or for any inhabitant of the city of Bridgetown or parish for which such election is had, any cockade, ribbon, or other mark of distinction, and every person so giving or providing shall for every such offence forfeit the sum of two pounds to such person as shall sue for the same, together with full costs of suit, and all payments made for or on account of any chairing or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music or flags, or banners shall be deemed illegal payment within this Act.

X. No person having a right to vote at the election for the city of Bridgetown or any parish shall be liable or compelled to serve as a special constable at, or during any election for a member or members to serve in the General Assembly or in any of the vestries of this Island for such city or parish unless he shall consent so to act, and he shall not be liable to any fine, penalty, or punishment whatsoever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

XI. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence respectively shall be recoverable by action or suit by any person who shall sue for the same either in the Court of Common Pleas or in the Assistant Court of Appeal, which latter Court is hereby authorised and empowered to hear and determine all such cases under this Act, and to enforce its decisions in such cases in the manner usual in cases brought before that court, and coming within its original legal jurisdiction.

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XII. In any action or suit for any penalty for bribery, treating, or undue influence it shall be sufficient to allege that the defendant was, at the election at or in connexion with which the offence is intended to be alleged to have been committed, guilty of bribery, treating or undue influence (as the case may require); and in any action or suit relating to any such offence the certificate of the returning officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat.

What allegations sufficient in any action for any penalty for bribery, treating or undue influence.

XIII. No person shall be liable to any penalty or forfeiture hereby enacted or imposed unless some action or suit for the offence committed shall be commenced against such person within the space of one year next after such offence against this Act shall be committed, and unless such person shall be summoned or otherwise served with writ or process within the same space of time, so as such summons or service of writ or process shall not have been prevented by such person absconding or withdrawing out of the jurisdiction of the Court out of which such writ or other process shall have issued, and in case of any such suit or process as aforesaid the same shall be proceeded with and carried on without any wilful delay.

Limitation of actions.

XIV. On the trial of any action for the recovery of any penalty under this Act, the parties to such action, and the husbands and wives of such parties respectively shall be competent and compellable to give evidence in the same manner as parties and their husbands and wives are competent and compellable to give evidence in actions

In actions for penalties parties and their husbands or wives to be competent witnesses.

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Proviso.

Privileges lost by candidate declared guilty of bribery, treating or undue influence.

Act not to affect right of any candidate to employ not more than two election agents.

Any breach of this Act by an agent, without his principal's knowledge or consent, not to affect principal.

and suits under the Act of the tenth day of February one thousand eight hundred and fifty five entitled, "The Evidence Amendment Act, 1855," but subject to and with the exceptions contained in such Act. Provided always that any such evidence shall not thereafter be used in any indictment or criminal proceeding against the party giving it.

XV. If any candidate at any election for the city of Bridgetown or any parish shall have judgment given against him in an action brought to recover any of the penalties imposed by this Act for bribery, treating, or undue influence at such election or if on the controverting of such election shall be declared by the House of Assembly to have been guilty of or to have known and consented to bribery, treating, or undue influence at such election; such candidate shall be incapable of being elected or sitting in the General Assembly or in any of the vestries of this Island for five years from the date of such judgment or declaration aforesaid, and his seat, (if he has been elected) shall from the date of such judgment or declaration as aforesaid be deemed vacant.

XVI. Nothing herein provided or declared shall affect the right of any candidate to employ any agent for the purpose of conducting the affairs appertaining to the election of such candidate, but it shall not be lawful for any candidate to employ and pay more than two agents to act for him as aforesaid.

XVII. When any breach of the provisions of this Act, treating or undue influence has been committed by any agent without the knowledge or consent of his principal, then such principal shall in no way be subjected

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to the penalties incurred by the infringement of such provisions by such agent.

XVIII. The Court before which any action or suit for any of the penalties imposed by the provisions of this Act is brought, shall call upon the plaintiff to give security for costs.

Plaintiff in any action under this Act to give security for costs.

CAP. XXXI.

(Assented to 17th July 1885.)

BARBADOS.

An Act to remove doubts respecting certain executions issued out of the Court of Common Pleas of this Island.

WHEREAS a practice has recently prevailed that executions issued out of the Court of Common Pleas of this Island bear teste the name of the Chief Judge of such Court under the hand of the Prothonotary ; And whereas doubts have arisen as to the correctness of this practice ;

I. Be it enacted by the Governor, Council, and General Assembly of this Island, that all such executions as have hitherto been or shall hereafter be so issued as above-mentioned under the hand of the Prothonotary or any Acting Prothonotary of the Court, shall be valid and effectual, and in as full force and effect to all intents and purposes as if they had issued under the hand of the Chief Judge for the time being, any act or law to the contrary notwithstanding.

All executions which have issued or shall issue out of the Court of Common Pleas tested in the name of the Chief Judge under the hand of the Prothonotary to be as valid as if issued under the hand of the Chief Judge.

LAWS OF BARBADOS.

CAP. XXXII.

(Assented to 15th August 1885.)

BARBADOS.

An Act to establish a system of medical registration in this Island.

Preamble.

BE it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;

Short title.

I. This Act may be cited for all purposes as, "The Medical Registration Act, 1885."

Interpretation.

II. After the passing of this Act, the words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of this Island, shall be construed to mean a person registered under this Act.

Colonial Secretary
to keep "The Medical Register."

III. After the passing of this Act, it shall be the duty of the Colonial Secretary of this Island to keep a register, to be called "The Medical Register," of all medical practitioners in this Island who shall desire, and be entitled, to be registered, and who shall produce to him a certificate or affidavit of their qualification as hereinafter mentioned ; and the Colonial Secretary for the time being of this Island shall be the Registrar under this Act.

Registration of
persons now qualified,
and of persons
hereafter becoming
qualified.

IV. Every person now possessed of, and, subject to the provisions hereinafter contained, every person hereafter becoming possessed of any one or more of the qualifications described in schedule 'A' to this Act, and who shall desire to be registered, shall, on payment to the Registrar of a fee of five shillings, be entitled to have his name placed on the Medical Register on producing to the

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Registrar the certificate of the Medical Assessors hereinafter mentioned, that he is possessed of one or more of the qualifications mentioned in schedule 'A' to this Act.

V. Immediately on the passing of this Act, the Governor-in-Executive Committee shall appoint three persons possessed of one or more of the qualifications mentioned in schedule 'A' to this Act, practising in this Island, to act as Medical Assessors, and the Registrar shall upon payment by each of them of a fee of five shillings, place their names on the Medical Register, and the Governor-in-Executive Committee shall also from time to time as a vacancy shall occur by death, resignation, or otherwise, in the office of medical assessors, fill the same from the registered medical practitioners, practising in this Island; and it shall be the duty of the Medical Assessors, without any fee or reward, on application being made to them by any person desiring to be registered under this Act, within fifteen days thereafter, to meet together and examine the document or documents evidencing the qualification of the person desiring to be registered, and in case it shall appear to the Medical Assessors that such applicant is possessed of one or more of the qualifications mentioned in schedule 'A' to this Act, to grant him a certificate in the form marked 'B' in the schedule to this Act annexed, and such person on producing to the Registrar the certificate, and on payment to him of a fee of five shillings shall be entitled to be registered. The Governor-in-Executive Committee may from time to time displace any assessor or assessors and appoint another or others in his or their place or places.

Medical Assessors,
how appointed and
displaced; their du-
ties.

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Persons practising
in this Island.

VI. Any person who was actually practising medicine in this Island before the first day of January one thousand eight hundred and eighty, and who shall desire to be registered, shall, on payment to the Registrar of a fee of five shillings, be entitled to be registered on producing to the Registrar an affidavit according to the form or to the effect in schedule 'C' to this Act, signed by him ; and the Registrar is hereby authorised and empowered to swear such person to the truth of such affidavit.

Register to be pub-
lished.

VII. The Registrar shall in the month of January in every year, cause to be printed and published in the Official Gazette of this Island, the names and addresses of the medical assessors, and a correct list, in alphabetical order, according to surnames, of all persons appearing on the medical register on the first day of January in every year, with their medical titles, and a copy of the Official Gazette for the year in which the same is last published shall be evidence in all courts, and before all Justices of the Peace and others, that the persons therein named are registered according to the provisions of this Act ; provided always that in the case of any person whose name does not appear in the Official Gazette last published as aforesaid, a certificate under the hand of the Registrar shall be evidence that such person is registered under the provisions of this Act ; and the Registrar shall, on application for such a certificate, grant the same on payment of a fee of two shillings and sixpence

Registered persons
may have subsequent
qualifications insert-
ed in the Register,

VIII. Every person registered under this Act who may have obtained or may obtain any higher degree or any qualification other than the qualification in respect of which he

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may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, free of charge, on producing a certificate, under the hands of the said assessors, that he has obtained such higher degree or additional qualification; and the assessors are hereby authorised and required to grant the certificate on application to them for the same, and on the applicant producing to them the document or documents evidencing the higher degree or additional qualification.

IX. In case any applicant for registration shall be dissatisfied with the decision of the Assessors, it shall be lawful for such applicant to appeal to the Chief Judge of this Island in Chambers, by petition to be lodged with the Registrar, and the Registrar shall within ten days after the same is lodged, bring the same to the notice of the Chief Judge, who, with the assistance, if he shall require it, of two duly qualified medical practitioners, other than the said Assessors, shall hear and determine such appeal, and in case the Chief Judge, in Chambers, with such assistance (if he shall require it) as aforesaid, shall think the applicant duly qualified and entitled to be registered under this Act, he shall direct the Registrar to place the name of the applicant on the Medical Register.

X. If any medical practitioner shall be convicted of any felony the Registrar shall erase the name of such medical practitioner from the Register; and on the death of any medical practitioner, the Registrar shall erase his name from the Register.

Applicant for registration dissatisfied with decision of Assessors right of appeal to Chief Judge in Chambers.

Medical practitioners convicted of felony shall be struck off the Register.

On death to erase name.

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None but registered charges.

XI. After the passing of this Act no person shall be entitled to recover any charge in any court of law for any medical or surgical advice or attendance, or for the performance of any operation or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act.

Unregistered persons not to hold certain appointments.

XII. After the passing of this Act no person shall hold any appointment as a physician, surgeon, or other medical officer in any hospital, infirmary, dispensary, lunatic asylum, gaol, penitentiary, house of correction, police station, lazaretto, or other public establishment, body or institution, or to any friendly or other society for affording mutual assistance in sickness, infirmity, or old age, or as a medical officer of health, or as medical attendant on the poor of any parish unless he shall be registered under this Act.

No certificate to be valid unless person signing be registered.

XIII. After the passing of this Act no certificate required by any Act now in force, or that may hereafter be passed, from any physician, or surgeon, or licentiate in medicine, and surgery, shall be valid unless the persons signing the same shall be registered under this Act.

Privileges of registered persons.

XIV. Every person registered under this Act shall be entitled, according to his qualification, to practice medicine or surgery, or medicine and surgery in this Island, and to demand and recover in any court of law or judicature, with full costs of suit, reasonable charges for professional aid, advice and visits, and the cost of any medicines or other medical or surgical appliances, rendered or supplied by him to his patients ;

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Provided always that nothing in this section shall prevent any person who is now practising both medicine and surgery, and who is registered under this Act from being entitled to practise both medicine and surgery, and to demand and recover his reasonable professional charges as if duly qualified to practise both medicine and surgery.

XV. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration either verbally or in writing, every such person so offending, and every person aiding and assisting him therein, shall be liable to a penalty not exceeding twenty pounds to be recovered before a police magistrate in a summary manner, or in default of payment be imprisoned for any term not exceeding three months.

Penalty for obtaining registration by false representations.

XVI. Any person who shall wilfully and falsely pretend to be, or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner, or any name, title, addition, or description implying that he is registered under this Act, or that he is recognised by law as a physician or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, shall on a summary conviction before any police magistrate, for any such offence, pay a sum not exceeding twenty pounds into the public treasury for the use of the Island, or in default of payment be imprisoned for any term not exceeding three months.

Penalty for falsely pretending to be a registered person.

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Application of fees
received by Colonial
Secretary.

XVII. All fees received by the Colonial Secretary under this Act shall be paid into the Public Treasury for the benefit of the General Revenue.

Duration of Act.

XVIII. This Act shall continue in operation until and inclusive of the thirty first day of December one thousand eight hundred and eighty eight.

SCHEDULE A

Fellow, Member, Licentiate, or Extra Licentiate, of the Royal College of Physicians of London.

Fellow, or Licentiate of the Royal College of Physicians of Edinburgh.

Fellow or Licentiate of the King and Queen's College of Physicians of Ireland.

Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.

Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.

Fellow or Licentiate of the Faculty of Physicians of Glasgow.

Fellow or Licentiate of the Royal College of Surgeons in Ireland.

Licentiate of the Society of Apothecaries, London.

Licentiate of the Apothecaries Hall Dublin.

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Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery, of any University of the United Kingdom.

Doctor, or Bachelor of Medicine of any Foreign or Colonial University or College who was actually practising medicine in this Island at the time of the passing of this Act.

Doctor, or Bachelor of Medicine of any Foreign or Colonial University or College who shall produce certificates, to the satisfaction of the assessors, of his having taken his degree of doctor of medicine, after regular examination, and after a course of study, of not less than three years, at any such University or College.

Every person now possessed of, or who at any time hereafter shall become possessed of a qualification entitling him to be registered and to practice medicine and surgery in the United Kingdom under the Medical Act or Acts now in force there, or any Act or Acts which may hereafter be passed or be in force there or who shall have been or may hereafter be duly registered under the said Act.

SCHEDULE B.

We do hereby certify that we have examined the documents evidencing the qualification of A. B. to be registered under "The Medical Registration Act, 1885, and we thereby find that the said A. B. is a fellow, (or member, &c., as the case may be as in schedule 'A,' to this Act,) and is entitled to be registered under the said Act.

C.D.	}	ASSESSORS.
E.F.		
G.H.		

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- taking goods and chattels in pawn ;
- “ Pledge ” means an article pawned with a pawnbroker ;
- “ Pawner ” means a person delivering an article for pawn to a pawnbroker ;
- “ Shop ” includes dwelling house and warehouse, or other place of business, or place where business is transacted ;
- “ Unfinished goods or materials ” includes any goods of any manufacture, or of any part or branch of any manufacture either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption ;
- “ Constable ” includes any peace officer ;
- “ Justice ” means Justice of the Peace or Police Magistrate having jurisdiction in the parish where the matter requiring the cognizance of a Justice arises ;
- “ Court of summary jurisdiction ” means any Justice, Justices, or Police Magistrate, by whatever name called, to whom jurisdiction is given by, or who is or are authorised to act under “ The Justices of the Peace Procedure Act, 1860, ” or under any other act or by virtue of his or

LAWS OF BARBADOS.

their commission or by the common law.

Extension of Act to keepers of certain shops.

IV. In order to prevent evasion of the provisions of this act, the following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn (that is to say) every person who keeps a shop for taking in goods or chattels by way of security for money advanced thereon, and who purchases or receives, or takes in goods or chattels, and pays or advances or lends thereon any sum of money not exceeding ten pounds with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred that those goods or chattels may be afterwards redeemed or repurchased on any terms ; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge and loan respectively within this Act.

Executors &c. of pawnbrokers.

V. The provisions of this Act relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless the same is incurred by his own act or neglect.

Agents, servants, apprentices, &c. of pawnbrokers.

VI. For the purposes of this Act anything done or omitted by the servant, apprentice, or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker ; and anything by this act authorised to be done by a pawnbroker may be done by his servant, apprentice, or agent.

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VII. The rights, powers, and benefits by this Act reserved to and conferred on pawners shall extend to and be deemed to be reserved to, and conferred on the assigns of pawners, and to and on the executors or administrators of deceased pawners ; but any person representing himself to a pawnbroker to be the assign, executor, or administrator of a pawn, shall, if required by the pawnbroker, produce to the pawnbroker, the assignment, letters testamentary, letters of administration, or other instrument under which he claims.

**Assigns, executors.
&c. of pawners.**

VIII. This Act shall apply

(1) To every loan by a pawnbroker of forty shillings or under.

(2) To every loan by a pawnbroker of above forty shillings and not above ten pounds, except as in this Act otherwise provided in relation to cases where a special contract respecting the terms of the loan (as authorised by this Act) is made between the pawn and the pawnbroker at the time of the pawning. Nothing in this act shall apply to a loan by a pawnbroker of above ten pounds, or to the pledge on which the loan is made or to the pawnbroker or pawn in relation to the loan or pledge ; and notwithstanding anything in this Act, a person shall not be deemed a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums of above ten pounds.

**Application of Act
in respect of loans.**

General obligation of pawnbrokers.

IX. A pawnbroker shall keep and use in his business such books and documents as

**Pawnbrokers to
keep books &c. as in
schedule.**

LAWS OF BARBADOS.

are described in the first schedule to this Act, in the forms therein indicated or to the like effect, and shall from time to time as occasion requires enter therein in a fair legible manner the particulars indicated in and in accordance with the directions of that schedule, and shall make all enquiries necessary for that purpose. If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence against this Act.

Pawnbrokers to keep names over doors and tables of rates &c. exhibited in shops.

X. A pawnbroker shall observe the following rules ;

- (1) He shall always keep exhibited in large characters over the outer door of his shop his Christian name or names and surname with the word, pawnbroker.
- (2) He shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges) the same information as is by the rules of the first schedule to this Act required to be printed on pawntickets.

If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence against this Act.

Pawnings ; Redemption ; Sale.

Pawn tickets to be given for pledges.

XI. A pawnbroker shall on taking a pledge in pawn give to the pawner a pawn ticket, and shall not take a pledge in pawn unless the pawner takes the pawn ticket.

Profit and charges allowed to pawnbrokers.

XII. A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in schedule two of this Act.

A pawnbroker may demand and take the charges specified in the same schedule, in

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the cases and according to the rules therein stated and prescribed.

A pawnbroker shall not in respect of a loan on a pledge, take any profit or demand or take any charge or sum whatever other than those specified in the same schedule.

A pawnbroker shall if required at the time of redemption give a receipt for the amount of loan and profit paid to him.

XIII. Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable.

Pledges redeemable for one year, with seven days of grace.

XIV. A pledge pawned for ten shillings, or under, if not redeemed within the year of redemption and days of grace, shall at the end of the days of grace become and be the pawnbroker's absolute property.

Pledges for 10/ or under not redeemed in time forfeited.

XV. A pledge pawned for above ten shillings shall further continue redeemable until it is disposed of as in this act provided although the year of redemption and days of grace are expired.

Pledges above 10/ redeemable until sale.

XVI. A pledge pawned for above ten shillings shall when disposed of by the pawnbroker be disposed of by sale by public auction and not otherwise; and the regulations in schedule three of this act shall be observed with reference to the sale.

Sale by auction of pledges above 10/.

A pawnbroker may bid for and purchase at a sale by auction made or purporting to be made under this act a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

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Offences by
auctioneers.

XVII. If an auctioneer does anything in contravention of the provisions of this act relating to auctioneers, or fails to do anything which he is required by this act to do, he shall be guilty of an offence against this act.

Power to inspect
sale book.

XVIII. At any time within three years after the auction at which a pledge pawned for above ten shillings is sold, the holder of the pawnticket may inspect the entry of the sale in the pawnbrokers book, and in the account sales of the auction (authenticated by the signature of the auctioneer) or in either of them.

Pawnbroker to
account for surplus
within three years,
subject to set-off.

XIX. Where a pledge pawned for above ten shillings is sold and appears from the pawnbroker's book to have been sold, for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall on demand, pay the surplus to the holder of the pawnticket in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus and that within twelve months before or after that sale the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set off.

Offences as to
pledges for above 10/.

XX. If with respect to pledges for loans of above ten shillings a pawnbroker,

(1.) Does not bona fide according to the directions of this Act sell a pledge pawned with him,

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- (2.) Enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same,
- (3.) Refuses to permit any person entitled under this Act to an inspection of an entry of sale in the pawnbrokers book, or in the account sales of the auction, authenticated by the auctioneer's signature, to inspect the same.
- (4.) Fails without lawful excuse (proof whereof shall lie on him) to produce such account sales on lawful demand,
- (5.) Refuses to pay on demand the surplus to the person entitled to receive the same ;

he shall in every such case be guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction to forfeit to the person aggrieved a sum not exceeding ten pounds.

Special contracts.

XXI. Notwithstanding anything in this Act, a pawnbroker may make a special contract with the pawner in respect of a pledge on which the pawner makes a loan of above forty shillings ; provided always that

Power to make special contracts, subject to restrictions.

- (1.) The pawnbroker at the time of the pawning shall deliver to the pawner a special contract pawn ticket, signed by the pawnbroker.
- (2.) A duplicate of the special contract pawn ticket shall be signed by the pawnbroker.

The provisions of this Act save as far as the application thereof, is excluded by the terms of the special contract, shall apply thereto.

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Delivery of pledge.

Holder of pawn
ticket entitled to
redeem.

XXII. The holder for the time being of a pawn ticket shall be presumed to be the person entitled to redeem the pledge, and subject to the provisions of this Act, the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawn ticket, and he is hereby indemnified for so doing.

Production of pawn
ticket on redemp-
tion.

XXIII. A pawnbroker shall not (except as in this Act provided) be bound to deliver back a pledge unless the pawn ticket for it is delivered to him.

Liability of pawn-
broker in case of fire.

XXIV. Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable on application within the period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent on the amount of the loan.

A pawnbroker shall be entitled to insure to the extent of the value so estimated.

Compensation for
depreciation of
pledge.

XXV. If a person entitled and offering to redeem a pledge shows to the satisfaction of a court of summary jurisdiction that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the court may if it thinks fit, award such reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as the court directs.

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XXVI. The following provisions shall have effect for the protection of owners of articles pawned, and of pawners not having their pawntickets to produce ;

Protection of owners and of pawners not having pawn tickets.

- (1.) Any person claiming to be the owner of a pledge but not holding the pawnticket, or any person claiming to be entitled to hold a pawnticket but alleging that the same has been lost, mislaid, destroyed, or stolen or fraudulently obtained from him, may apply to the pawnbroker for a form of declaration, which the pawnbroker shall deliver to him ;
- (2.) If the applicant delivers back to the pawnbroker the declaration duly made before a justice by the applicant, and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawn ticket ; provided that such declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker (exclusive of a day or days on which the pawnbroker is prohibited from carrying on business) ;
- (3.) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid ;
- (4.) The pawnbroker is hereby further indemnified for delivering the pledge

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or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular. If any person makes a declaration under this Act either as an applicant or as identifying an applicant knowing the same to be false in any material particular he shall be guilty of a misdemeanour, and shall be liable to the punishment attached by law to perjury.

Delivery to owner
of property unlaw-
fully pawned.

XXVII. In each of the following cases,

- (1.) If any person is convicted under this Act in a court of summary jurisdiction of knowingly and designedly pawning with a pawnbroker any thing being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the same,
- (2.) If any person is convicted in any court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the court that the same have been pawned with a pawnbroker,
- (3.) If in any proceedings before a court of summary jurisdiction it appears to the court that any goods and chattels brought before the court have been unlawfully pawned with a pawnbroker,

the court on proof of the ownership of the goods and chattels, may if it thinks fit order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan, or of any part thereof, or without

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payment thereof, or of any part thereof, as to the court, according to the conduct of the owner, and the other circumstances of the case seems just and fitting.

XXVIII. If a pawnbroker, without reasonable excuse (proof whereof shall lie on him) neglects or refuses to deliver a pledge to the person entitled to have delivery thereof under this act, he shall be guilty of an offence against this act, and a court of summary jurisdiction may, if the court thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

Summary order for delivery of pledges to persons entitled.

General restrictions on pawnbrokers.

XXIX. If a pawnbroker does any of the following things ;

- (1.) Takes an article in pawn from any person appearing to be under the age of twelve years or to be intoxicated ;
- (2.) Purchases or takes in pawn or exchanges a pawnticket issued by another pawnbroker ;
- (3.) Employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn ;
- (4.) Carries on the business of a pawnbroker on Sunday, Good Friday, or Christmas Day, or a day appointed for public fast, humiliation or thanksgiving ;
- (5.) Under any pretence purchases except at public auction, any pledge while in pawn with him ;

Prohibitions of purchasing pledges ; taking pledges from children, &c.

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- (6.) Suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it ;
 - (7.) Makes any contract or agreement with any person pawning or offering to pawn any article or with the owner thereof for the purchase, sale or disposition thereof within the time of redemption ;
 - (8.) Sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorized by this Act ;
- he shall be deemed guilty of an offence against this Act.

Unlawfully pawning and taking in pawn.

Unlawful pawning
of goods not properly
of pawn.

XXX. If any person knowingly and designedly pawn with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the same, he shall be guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction, to forfeit any sum not exceeding five pounds, and in addition thereto, any sum not exceeding the full value of the pledge as ascertained by the court.

The forfeitures when recovered shall be applied towards making satisfaction thereout to the party injured, and defraying the costs of prosecution as the court directs ; but if the party injured declines to accept of such satisfaction and costs, or if there is any surplus of the forfeitures then the forfeitures or surplus (as the case may be) shall be paid to the parochial treasurer of the parish where the offence is committed for the use of such parish.

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XXXI. If any person does any of the following things ;

- (1.) offers to a pawnbroker any article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article ;
 - (2.) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address or as to the name and address of the owner of the article ;
 - (3.) not being entitled to redeem, and not having any colour or title by law to redeem a pledge, attempts or endeavours to redeem the same ;
- shall be guilty of an offence against this Act.

In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person, and the article, or either of them, (as the case may be) and shall deliver the person and the article or either of them (as the case may be) as soon as may be into the custody of a constable, who shall as soon as may be, convey the person, if so detained, before a justice, to be dealt with according to law.

XXXII. If a pawnbroker knowingly takes in pawn any linen or apparel, or unfinished goods or materials intrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be

Proceedings where persons offering articles in pawn do not give a good account of themselves.

Prohibition of taking in pawn linen, clothing, unfinished goods, &c., in certain cases.

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guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction to forfeit a sum not exceeding double the amount of the loan (which forfeiture shall be paid to the parochial treasurer of the parish where the offence is committed for the use of the parish) and the pawnbroker shall likewise restore the pledge to the owner thereof in the presence of the court, or as the court directs.

Search warrant for
linen &c. unlawfully
pawned.

XXXIII. If the owner of any linen or apparel, or any unfinished goods, or materials intrusted to any person as aforesaid, and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last mentioned owner having on oath satisfied a Justice that his goods have been unlawfully obtained or taken from him) makes out on oath before a Justice that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials, or article aforesaid, without the privity or authority of the owner, and makes appear to the satisfaction of the Justice the probable grounds for such suspicion the justice may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

If the pawnbroker on request by a constable authorized by the warrant, refuses to open the shop, and permit it to be searched, a constable may break it open within the hours of business and search as he thinks fit therein for the linen, apparel, goods, materials, or article aforesaid, doing no wilful damage, and if any pawnbroker or other person opposes or hinders the search,

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he shall be guilty of an offence against this Act.

If on the search any linen, apparel, goods, materials or article aforesaid, is or are found, and the property of the owner thereof is made out to the satisfaction of a court of summary jurisdiction, the court shall cause the same to be forthwith restored to the owner thereof.

Licenses.

XXXIV. Every pawnbroker shall yearly and within fourteen days from the expiration of the preceding year take out from the Colonial Treasurer a license for carrying on his business, on which license there shall be charged and paid for the use of the public of this Island a duty of five pounds. Provided always that any pawnbroker taking out a license in the present year, or for the first time in any subsequent year after the month of January, shall pay only for such license a proportionate part of the said sum of five pounds calculated from the day of his taking out the same to the thirty first day of December of the present or any subsequent year.

Yearly license.

Proportionate part
of a year.

Every license shall be dated the day on which it is issued, and shall determine on the thirty first day of December of the year in which it is so issued.

A separate license shall be taken out, and paid for by a pawnbroker, for each pawnbroker's shop kept by him.

If a person acts as a pawnbroker without having in force a proper license he shall for every such offence be liable to a penalty not exceeding twenty pounds.

All the provisions contained in any Act relating to licenses, duties or penalties and

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in force at the passing of this Act, shall, as far as the same are applicable, have full effect with respect to the license and duty and penalty aforesaid.

Cesser of license on conviction.

XXXV. If a pawnbroker is convicted on indictment of any fraud in his business, or of receiving stolen goods, knowing them to be stolen, the court before which he is convicted may, if it thinks fit, direct that his license shall cease to have effect, and the same shall so cease accordingly.

Licenses not to be granted without certificates.

XXXVI. A pawnbroker's license shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Act.

Any license granted in contravention of this section shall be void.

Certificates to be granted by Police Magistrates.

XXXVII. Certificates under this Act shall be granted by a Police Magistrate sitting in any police court having jurisdiction in the district or parish where the application is made.

Form and duration of certificate.

XXXVIII. A certificate under this Act shall be in the form given in schedule four to this Act, or to the like effect and shall be in force until the thirty first day of December of the year in which it is granted.

Certificate to be applied for by party desiring same.

XXXIX. An application for a certificate shall be applied for by the party desiring to obtain same, and such certificate shall not be refused except on the following grounds or one of them ;

Grounds of refusal of certificate.

- (1.) that the applicant has failed to produce satisfactory evidence of good character ;
- (2.) that the shop in which he intends to carry on the business of a pawnbroker, or any adjacent house or place owned or occupied by him, is fre-

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quented by thieves or persons of bad character.

XL. If any person forges a certificate or tenders a certificate knowing it to be forged, he shall on conviction thereof in a court of summary jurisdiction, be liable to a penalty not exceeding ten pounds, or in the discretion of the court to imprisonment for any term not exceeding six months with or without hard labour. **Forgery of certificate.**

A license granted in pursuance of a forged certificate shall be void ; and if any person makes use of a forged certificate, knowing it to be forged, he shall be disqualified from obtaining at any time thereafter a pawnbroker's license.

Penalties and legal proceedings.

XLI. If a pawnbroker or other person is guilty of an offence against this Act, in respect whereof a specific forfeiture or penalty is not prescribed by this act, he shall be, liable on conviction thereof in a court of summary jurisdiction, to a penalty not exceeding ten pounds. **General penalty for offences.**

XLII. Penalties recovered under this act, not directed to be otherwise applied, may be applied under direction of the court in which they are recovered as follows ; **Application of penalties.**

(1.) Where the complainant is the party aggrieved, one moiety of the penalty may be paid to him ;

(2.) Where the complainant is not the party aggrieved, there shall be paid to him, no part or such part only of the penalty as the court thinks fit. **Amends for frivolous informations.**

XLIII. Where an information or complaint of any offence against this Act (not being an offence against any provision of this act relating to licenses) is laid or made be-

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fore a justice or court of summary jurisdiction and is not further prosecuted, or if any such information or complaint is further prosecuted, but it appears to the court of summary jurisdiction by which the case is heard that there was no sufficient ground for the making of the charge, the justice or court shall have power to award such amends, not exceeding the sum of five pounds to be paid by the informer or complainant to the party informed or complained against for his loss of time and expenses in the matter, as to the justice or the court may seem meet ; and every sum so awarded shall be recoverable as penalties under this Act are recoverable.

Penalty on common informers compounding information.

XLIV. If any person lodges an information for an offence alleged to have been committed against this act, by which he was not personally aggrieved, and afterwards directly or indirectly receives without the permission of a justice, any sum of money or other reward for compounding, delaying, or withdrawing the information he shall be guilty of an offence against this act.

Detention of persons offering forged pawn-tickets, &c.

XLV. If any person utters, produces, shows or offers to a pawnbroker a pawnticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize and detain the person, and the ticket, or either of them, and shall deliver the person and the ticket or either of them (as the case may be) as soon as may be into the custody of a constable, who shall, as soon as may be convey the person if so detained, before a justice to be dealt with according to law.

Production of books, &c., before justices.

XLVI. A pawnbroker shall at any time, when ordered or summoned by a court of summary jurisdiction, attend before the

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court and produce all books and papers relating to his business which he is required by the court to produce.

If he fails to do so he shall be guilty of of an offence against this Act.

XLVII. Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision of this Act relating to licenses) any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence nor shall he by reason only of that offence lose his lien on or right to the pledge, or to the loan and profit: but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, goods, materials, or articles to the owner, under the order of any court.

Contracts not void on account of offences.

XLVIII. If any person thinks himself aggrieved by any conviction or order of a court of summary jurisdiction under this Act, or by the refusal of a certificate for a license, he may appeal therefrom as in any other matter of summary jurisdiction.

Right of appeal.

XLIX. No order or conviction of a court of summary jurisdiction against which a person is authorised by this Act to appeal shall be quashed for want of form.

Order or conviction not quashed for want of form.

L. A warrant of commitment on a conviction by a court of summary jurisdiction under this Act, shall not be held void by reason of any defect therein, if only there is a valid conviction to maintain the warrant, and it is alleged therein that the party has been convicted.

Validity of warrants.

LI. If any person is sued or prosecuted for anything done by him in pursuance or execu-

Protection of persons executing Act.

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tion or intended execution of this Act, he may plead generally that the same was done in pursuance or execution or intended execution of this Act, and give the special matter in evidence

The Schedules referred to in this Act

THE FIRST SCHEDULE
Forms of Books and Documents
 I. PLEDGE BOOK

f s d of
 of
 Pawnbroker 1885

For date of redemption.	For profit charged	For amount of loan.	For No. of pledge in the month.	For name of pawnor.	For address of pawnor.	For name of owner if other than pawnor.	For address of owner, if other than pawnor.	For list of articles pawned as described on pawn ticket.
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Rule.

All entries in the last five columns respecting each pledge shall be made on the day of the pawning thereof, or within four hours after the end of that day.

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2 PAWN-TICKET.

A. -For loan of ten shillings or under

Pawned with (*John Smith*) pawnbroker,
(*21 High Street Bridgetown*) this (*15th*)
day of (*March 1885*) by (*Henry Williams*) of
(*25 King Street, Bridgetown*) for the sum of
(*Ten*) shillings.

(*One black frockcoat.*)

The following is to be printed on the ticket, on the front or back, or partly on the front, and partly on the back.

The pawnbroker is entitled to charge for this ticket.....One half Penny

For profit on each two shillings or part of two shillings lent on this pledge for not more than one month.....one half penny

And so on at the same rate per month...

After the first month any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.....

This pledge must be redeemed within twelve months and seven days from the date of pledging. At the end of that time it becomes the property of the pawnbroker.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent on the amount of the loan.

If ~~this~~ ticket is lost, mislaid, or stolen, the pawner should at once apply to the pawn-

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broker for a form of declaration to be made before a magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

B—For loan of above ten shillings and not above forty shillings.

Pawned with (John Smith) pawnbroker, (21, High Street, Bridgetown) this 16th day of March 1885) by (Henry Williams) of (25, King Street Bridgetown) for the sum of (eleven) shillings.

(One grey tweed coat)

The following is to be printed on the ticket, on the front or back, or partly on the front, and partly on the back.

The pawnbroker is entitled to charge for this ticket... One penny

The profit on each two shillings or part of two shillings lent on this pledge for not more than one month..... One half penny and so on at the same rate per month.....

After the first month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days, and not more than one month will be charged as one month.....

If this pledge is not redeemed within twelve months and seven days from the day of pledging, it may be sold by auction by the



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pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in the pawnbroker's books on payment of one penny and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge after deducting the amount of loan and profit, such value to be the amount of the loan and profit and twenty five per cent on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

C. For loan of above forty shillings.

Pawned with (John Smith) pawnbroker (21 High Street, Bridgetown) this (17th) day of (March 1885) by (Henry Williams) of (25 King Street, Bridgetown) for the sum of forty five shillings one (shooting coat.)

The following is to be printed on the ticket on the front or back or partly on the front and partly on the back ;

The Pawnbroker is entitled to

charge for this ticket..... one penny.

For profit on each two shillings
and sixpence or part of two

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shillings and sixpence lent
on this pledge for every
month or part of a month—one half penny.

If this pledge is not redeemed within twelve months and seven days from the day of pledging it may be sold by auction, by the pawnbroker but it may be redeemed at any time before the day of sale.

Within three years after the pawner may inspect the account of the sale in the pawnbroker's books on payment of one penny and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

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3—SALE BOOK OF PLEDGES FOR LOANS OF
ABOVE TEN SHILLINGS.

(Date and place of sale.)

(Name and place of business of auctioneer.)

For No. of pledge as in pledge book.				
For date of pawning.				
For name of pawner.				
For amount of loan.				
For amount for which pledge sold as stated by Auctioneer.				

4—DECLARATION WHERE PLEDGE CLAIMED
BY OWNER.

TAKE NOTICE if this declaration is false
the person making it is punishable as for
perjury.

Unless this printed form is taken before a
magistrate and declared to and signed and de-
livered back to the pawnbroker not later than
the day of the articles mentioned
in it will be delivered to any person producing
the pawn ticket.

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I A. B. of
in pursuance of "The Pawnbrokers Act,
1885," do solemnly and sincerely declare,
that the article (or articles) described be-
low is (or are) my property, and that I
believe they are pledged at the shop of——

The article (or articles) above referred to
is (or are) the following
and I. C. D. of

in pursuance of the same act do solemnly
and sincerely declare that I know the person
now making the foregoing declaration to be
A. B. of

Declared before me the Police)
Magistrate for the parish of)
this
day of 188)

5 DECLARATION WHEN PAWN TICKET
LOST, &c.

TAKE NOTICE if *this declaration is false*
the person making it is punishable as for per-
jury.

Unless this printed form is taken before a
magistrate and declared to and signed and
delivered back to the pawnbroker not later
than the day of the articles men-
tioned in it will be delivered to any person
producing the pawn ticket.

I A. B. of
in pursuance of "The Pawnbrokers Act,
1885," do solemnly and sincerely declare
that pledged at the shop of
pawnbroker, the article (or articles,) described
below being property, and received a
pawn ticket for the same which has since
been by ; and that the pawn
ticket has not been sold or transferred to any
person by to knowledge or belief.

And I C. D. of
in pursuance of the same Act, do solemnly
and sincerely declare that I know the per-
son now making the foregoing declaration to
be A. B. of

Declared before me the Police
Magistrate for the parish of
this
day of 188

Date.

Received on redemption of pledge No. _____
 Amount of loan.....
 Profit.....
 Total.....
 (A. B.)
 Pawnbroker.

7. SPECIAL CONTRACT —
Special Contract, under "The Pawnbrokers
Act, 1885."

Pawned with (John Smith) pawnbroker
(21 High Street, Bridgetown) this 18th
day of April 1885) by Henry Williams) of
(25 King Street, Bridgetown) for the sum of
forty eight shillings.

(One Marble Clock.)

*The following is to be printed on the ticket, on the front or back, or partly on the front, and partly on the back.

*TERMS OF THE SPECIAL CONTRACT.

The pawnbroker charges
For this ticket
Profit at the rate per month of
After the first month any

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time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.....

The charge for storage of this pledge will be per month or any part of a month in addition to the charges above mentioned.

This pledge is pawned for the period of (not less than three months)

After the expiration of that time the pledge may be sold by auction by the pawnbroker.

But it may be redeemed by the pawner at any time before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in the pawnbrokers books on payment of , and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If this pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent on the amount of the loan, unless otherwise agreed upon by the pawner and pawnbroker.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a magistrate, or the pawnbroker will be bound

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to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

(Signed) (John Smith) pawnbroker

(Signed) (Henry Williams) pawner.

THE SECOND SCHEDULE.

Profits and charges allowed to pawnbrokers.

PART 1—PROFIT ON LOAN.

A. On a loan of forty shillings or under
For any time during which
the pledge remains in pawn
not exceeding one month,
for every two shillings or
fraction of two shillings
lent.....one half penny

For every month after the
first, including the current
month in which the pledge
is redeemed although that
month is not expired, for
every two shillings or frac-
tion of two shillings lent...one half penny

Provisoes.

1. If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall in respect of those fourteen days be entitled to take half of the amount which he would be entitled to take for the whole month.

B. On loan of above forty shillings
For every month or part of a
month for every sum of two
shillings and sixpence or
fraction of a sum of two shil-
lings and sixpence.....one half penny.

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PART 2—CHARGE ON PAWN TICKET.

Where the loan is ten shil- lings or under.....	} one half penny
Where the loan is above ten shillings.....	
	} one penny.

PART 3—CHARGE ON INSPECTION OF

SALE BOOK.

For the inspection of the en- try of a sale.....	} one penny.

PART 4—CHARGE ON FORM OF DECLARATION.

Where the loan is five shil- lings or under.....	} one half penny
Where the loan is above five shillings.....	
	} one penny.

Rule.

This sum is to be paid by the applicant at the time of application.

THE THIRD SCHEDULE.

REGULATIONS AS TO AUCTIONS OF PLEDGES
ABOVE TEN SHILLINGS.

- 1 The auctioneer shall cause all pledges to be exposed to public view.
2. He shall insert in some public newspaper an advertisement giving notice of the sale and stating ;
 - (1.) The pawnbroker's name and place of business ;
 - (2) The month in which each pledge was pawned ;
 - (3) The number of each pledge as entered at the time of pawning in the pledge book.

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3. The advertisement of the pledges of each pawnbroker shall be separate from the advertisement of the pledges of any other pawnbroker.
4. The advertisement shall be inserted on two several days in the same newspaper and the second advertisement shall be inserted at least two days before the day of sale.
5. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in which he takes the bidding of other persons at the same sale ; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.
6. The auctioneer shall within seven days after the sale, deliver to the pawnbroker account sales of the pledges sold by him on account of the pawnbroker and authenticated by the signature of the auctioneer.
7. The pawnbroker shall preserve every such account sale for three years at least after the auction.

THE FOURTH SCHEDULE.

FORM OF CERTIFICATE OF MAGISTRATE.

I (here insert the name and description of the magistrate) do hereby certify that I authorized the grant to A. B. of
of a license to carry on the business of a
pawnbroker within the parish of

Witness my hand this day of
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CAP. XXXIV.

(Assented to 15th August, 1885.)

BARBADOS.

An Act to amend "The Prisons Act, 1879."

Preamble

WHEREAS it is deemed expedient to amend "The Prisons Act, 1879," in manner hereinafter specified; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows;

Short title.

I. This Act may be cited for all purposes as "The Prisons Act, 1879, Amendment Act, 1885."

Governor-in-Executive Committee to determine specific prison purposes of each prison.

II. It shall be lawful for the Governor-in-Executive Committee from time to time, and as often as is deemed expedient to determine the specific prison purposes for which each of the several prisons of this Island shall be used, and with a view to carrying into effect any such determination, to direct the transfer to any of the said prisons of all or any of the persons undergoing imprisonment in any other or others of the said prisons, to make such alterations in the duties of the several prison officers or such reduction of the number of the said officers, and to make such rules and regulations as may be necessary.

Gratuities for loss of office.

III. It shall be lawful for the Governor-in-Executive Committee to award gratuities for their loss of office to any prison officers employed at the date of this Act, whose services it may be found unnecessary to retain in consequence of any alteration in the purposes for which the several prisons are now used at a rate equal to three years pay.

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IV. The salary of the Governor of Glendairy prison shall not be reduced below the annual sum of three hundred and fifty pounds, by anything done under this Act.

Salary of Governor of Glendairy Prison not affected.

V. Sections five, six, seven and nine of "The Prisons Act, 1879," so far as the same are respectively inconsistent with the provisions of this Act, are hereby repealed.

Repeals.

VI. Persons committed to prison before or after the passing of this Act under any writ or process of any court, notwithstanding such writ or process may specify any particular place of imprisonment may be imprisoned in any prison set apart under the provisions of this Act for the reception of persons undergoing imprisonment similar to that to which such persons were sentenced.

Persons committed may be imprisoned in any prison under this Act.

VII. Every determination of the Governor-in-Executive Committee and all rules and regulations made under section two of this Act shall be published in the Official Gazette.

Determination of Governor, and rules to be published in Official Gazette.

CAP. XXXV.

(Assented to 15th August 1885.)

BARBADOS.

An Act to amend the Saint Michael's Central Almshouse Act, 1880."

WHEREAS the vestry of the parish of Saint Michael have by their humble Petition presented to the Legislature of this Island, prayed that an Act might be passed amending "The Saint Michael Central Almshouse Act, 1880," as hereinafter appears; And whereas it is deemed expedient for the reasons appearing

LAWS OF BARBADOS.

in the said petition to grant the prayer thereof; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

Vestry, notwithstanding section 1 of "The Saint Michael's Central Almshouse Act, 1880," may sell by private contract to The Barbados Railway Company certain portion of the lands of "The Almshouse" in Constitution.

I. The vestry of the said parish of Saint Michael, notwithstanding the terms of section one of "The Saint Michael's Central Almshouse Act, 1880," are hereby authorised to sell by private contract and convey to The Barbados Railway Company such portion of the lands of "The Almshouse" in Constitution Road referred to in the said section, and any buildings thereon which have been already taken possession of, or which may hereafter be required by the said Company for the purposes of their undertaking, and to give and execute to the Company a good and sufficient conveyance or good and sufficient conveyances for the same in the form prescribed by "The Barbados Railway Company's Act" or as near thereto as circumstances will admit; and the said Vestry are hereby also authorised to enter into and complete any arrangement or arrangements with the Company in respect of the purchase money of the said land and the amount of compensation (if any) to be paid for damage caused by the severance of the said land or otherwise; and the said Vestry are hereby also authorised to receive the said purchase and compensation money (if any) and to give and execute to the Company good and sufficient receipts and discharges for the same.

Application of purchase or compensation money.

II. The purchase or compensation money (if any) to be received by the said Vestry from the Company, and also the money arising from the sale of the remaining por-

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tion of the lands of the said "The Almshouse" in Constitution Road and any buildings thereon, and arising also from the sale of "The Saint Mary's Asylum" situate near the Public Market referred to in section one of "The Saint Michael's Central Almshouse Act, 1880," shall notwithstanding the terms of section two of the said Act, be used and applied by the said Vestry in the manner following, that is to say; in the first place in payment, so far as the same will extend, of any sum due and owing by the said vestry in respect of the cost of erecting the Central Almshouse and buildings referred to in the said Act, which the said vestry were thereby authorised to construct, and the balance (if any) of the said money, or in case there shall be no such sum due and owing by the said vestry as aforesaid, the whole of the said money, shall be paid into or lodged in the Colonial Bank to the credit of the Parochial Treasurer of the said parish of Saint Michael, and shall form part of the sum which the said vestry are by section twelve of the said Act, and by section four of "The Saint Michael's Central Almshouse Act, 1880, Amendment Act, 1884" authorised to appropriate out of the annual rates to be laid, levied and collected in the said parish of Saint Michael for the purposes in the said sections mentioned

III. All acts, deeds, matters, and things authorised or necessary to be done or executed by the said vestry under this Act, and all payments to be made to the said vestry hereunder or under "The Saint Michael's Central Almshouse Act, 1880" may be done

All acts &c. to be done under this Act may be done by majority of Vestry assembled.

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and executed by, and made to the majority of the members of the said vestry in vestry assembled.

This Act read with former Act.

IV This Act shall be read together with "The Saint Michael's Central Almshouse Act, 1880."

Short title.

V. This Act may be cited as "The Saint Michael's Central Almshouse Act, 1880, Amendment Act, 1885."

CAP. XXXVI.

(Assented to 15th August, 1885.)

BARBADOS.

An Act to declare that the Court of Chancery shall no longer have power to open biddings after sales of property made by the Master of the said Court under the direction of the said Court.

WHEREAS it is expedient to declare that the Court of Chancery shall no longer have power to open biddings after sales of property made by the Master of the said Court under the direction of the said Court ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The opening biddings in Chancery Prevention Act, 1885."

Court of Chancery no longer to have power to open biddings on sale of any property by Master of the Court except in case of fraud or improper conduct in managment of sale.

II. The Court of Chancery shall no longer have power to open the biddings on the sale of any plantations, lands, tenements or hereditaments made by the Master of the said Court under or by virtue of any decree or order of the said Court, and the highest bona fide bidder at such sale provided he

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shall have bid a sum equal to or higher than the appraised value or reserved price (if any) shall be declared and allowed the purchaser, unless the said Court or the Vice Chancellor thereof shall, on the ground of fraud or improper conduct in the management of the sale, upon the application of any person interested in any such plantations, lands, tenements, or hereditaments or any creditor against the same (such application to be made to the said Court or Vice Chancellor before the Master's Report of the sale shall have become binding) either open the bid-dings; holding such bidder bound by his bidding, or discharge him from being the purchaser, and order such plantations, lands, tenements or hereditaments to be re-sold upon such terms as to costs or otherwise as the said Court or Vice Chancellor shall think fit.

III. Except as aforesaid nothing in this Act contained shall affect any sale of property made by the Master of the said Court of Chancery under or by virtue of any decree or order of the said Court.

Except as aforesaid,
Act not to affect sale
made under any de-
cree or order of
Court.

CAP. XXXVII.

(Assented to 15th August 1885.) .

BARBADOS.

An Act to authorize the sale or mortgage of real estate by trustees or executors in cases where it is devised in trust charged with debts, legacies, or other sums of money and no provision is made in the will by the testator for raising the same.

WHEREAS it is expedient to authorize the sale or mortgage of real estate

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by trustees or executors in cases where it is devised in trust charged with debts, legacies, or other sums of money, and no provision is made in the will by the testator for raising the same ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as " The Real Estate Devisees in Trust Disposition Act, 1885."

Devisee in trust may raise money by sale, notwithstanding want of express power in the will.

II. Where by any will which shall come into operation after the passing of this Act the Testator shall have charged his real estate or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust notwithstanding any trusts actually declared by the testator to raise such debts, legacy or money as aforesaid by a sale and absolute disposition by public auction or private contract of the said hereditaments or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed may reserve such rate of interest not exceeding six pounds per cent per annum and fix such period or periods of repayment as the person or persons executing the same shall think proper.

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III. The powers conferred by the last preceding section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise, or to any person or persons who may be appointed under any power in the will or by the Court of Chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Powers given by last section extended to survivor's devisees &c.

IV. If any testator who shall have created such a charge as is described in section two shall not have devised the hereditaments charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in such will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said hereditaments, and such power shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this Act shall operate only on the estate and interest, whether legal or equitable of the testator.

Executors to have power of raising money, &c., where there is no sufficient devise.

V. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections two, three and four of this Act, or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Purchasers &c., not bound to inquire as to powers.

VI. The provisions contained in sections two, three and four shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made under or in pursuance of any will coming into operation before the passing of this Act, but the

Sections 2, 3, and 4 not to affect certain sales &c., nor to extend to devisees in fee or in tail.

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validity of any such sale or mortgage shall be ascertained and determined in all respects as if this Act had not passed ; and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

CAP. XXXVIII.

(Assented to 15th August 1885.)

BARBADOS.

An Act to amend the law with reference to the falsification of accounts.

WHEREAS it is expedient to amend the law so as to punish the falsification by clerks, officers, servants, and others of their employer's accounts, books, writings or documents ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Short title.

I. This Act may be cited as " The Falsification of Accounts Act, 1885."

Punishment for
falsification of
accounts &c.-

II. If any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to, or is in the possession of his employer, or has been received by him for, or on behalf of his employer, or shall wilfully and with intent to defraud, make, or concur in making any false entry in, or omit or alter,

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or concur in omitting or altering any material particular from or in any such book, or any document or account, then and in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

III. It shall be sufficient in any indictment under this Act to allege a general intent to defraud, without naming any particular person intended to be defrauded.

Intention to defraud sufficient in indictment,

IV. This Act shall be read as one with the Act of the seventeenth day of February one thousand eight hundred and sixty eight, entitled, "An Act to consolidate and amend the law of this Island relating to Larceny and other similar offences."

Act to be read with Larceny Act of 17th February 1868.

CAP. XXXIX,

(Assented to 22nd August 1885.)

BARBADOS.

An Act to amend "The Seamen's Lodging Houses Act, 1884."

WHEREAS it is deemed expedient to amend The Seamen's Lodging Houses Act, 1884, in manner hereinafter specified; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

I. This Act may be cited as "'The Seamen's Lodging Houses Act, 1884,' Amendment Act, 1885."

Short title.

II. For the purposes of The Seamen's Lodging Houses Act, 1884, the term seaman shall include every person (except

Term seaman who to include.

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masters, pilots, and apprentices) who earns his living by belonging to, or being engaged in any capacity in any British mercantile ship, or the Mercantile Marine Service of any Foreign Government or State, whether such person be entered on the articles of any vessel or not.

Remuneration of
Inspector.

III. Every inspector appointed under section six of The Seamen's Lodging Houses Act, 1884, shall as a remuneration for each inspection made by him under that section be entitled to receive out of the public treasury on the warrant of the Governor-in-Executive Committee a fee of five shillings.

CAP. XL.

(Assented to 22nd August 1885.)

BARBADOS.

An Act authorising ntorneys to act in their own names and providing against cessation of their powers in certain events.

WHEREAS it is expedient to authorize attorneys to act in their own names and to provide against cessation of their powers in certain events; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Attorneys Act, 1885."

Execution under
Power-of Attorney.

II. (1). The donee of a power of attorney may if he thinks fit, execute or do any assurance, instrument or thing, in and with his own name and signature and his own seal, where sealing is required by the authority of the donor of the power ; and every assurance, instrument and thing so executed

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and, done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power, in the name, and with the signature and seal of the donor thereof.

(2) This section shall apply to powers of attorney created by instruments executed either before or after the passing of this Act.

III. (1.) Any person making or doing any payment or act, in good faith, in pursuance of a power of attorney shall not be liable in respect of the payment or act by reason that before the payment or act, the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.

(2.) But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

Payment by Attorney under power without notice of death &c., good.

CAP. XLI.

(Assented to 22nd August 1885.)

BARBADOS.

A Act to amend the law relating to releases of land from incumbrances.

WHEREAS it is deemed expedient to amend the law relating to releases of land from incumbrances; Be it therefore enacted by the Governor, Council, and

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Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Releases of Land from Incumbrances Act, 1885."

Release of part of land charged not to be an extinguishment.

II. The release from a rent charge of part of any lands or hereditaments charged therewith shall not extinguish the whole rent charge, but shall operate only to bar the right to recover any part of the rent charge out of the land or hereditaments released, without prejudice nevertheless to the rights of all persons interested in the hereditaments remaining unreleased, and not concurring in or confirming the release.

Release of part of land charged not to affect judgment &c.

III. The release from a judgment, execution, mortgage, decree or any other lien or incumbrance of part of any land or hereditaments charged therewith shall not affect the validity of any such judgment, execution, mortgage, decree, or any other lien or incumbrance as to the land or hereditaments remaining unreleased or as to any other property not specifically released, without prejudice nevertheless to the rights of all persons interested in the land, hereditaments or property remaining unreleased, and not concurring in or confirming the release.

Application of Act.

IV. This Act shall apply to releases executed either before or after the passing of this Act.

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CAP. XLII.

(Assented to 22nd August 1885.)

BARBADOS.

An Act to amend the law relating to receipts for consideration money in deeds.

WHEREAS it is deemed expedient to amend the law relating to receipts for consideration money in deeds ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

I. This Act may be cited as " The Receipts for consideration money in Deeds Act, 1885."

Short title.

II. A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed.

Receipt in deeds sufficient.

III. A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

Receipt in deed or indorsed evidence for subsequent purchase.

CAP. XLIII.

(Assented to 22nd August 1885.)

BARBADOS.

An Act to amend an Act entitled, " An Act for the amendment of the law of inheritance."

WHEREAS it is deemed expedient to amend the Act of the twenty fourth

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day of May one thousand eight hundred and fifty four entitled, "An Act for the amendment of the law of inheritance" hereinafter called "The Law of Inheritance Amendment Act, 1854;" Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same, as follows;

Short titles.

I. "The Law of Inheritance Amendment Act, 1854" may hereafter be cited by that name and style.

This Act may be cited as, "The Law of Inheritance Amendment Act, 1885."

The Law of Inheritance Amendment Act, 1854, and this Act may be cited together as, "The Law of Inheritance Amendment Acts 1854 and 1885."

Descent how to be traced.

II Where there shall be a total failure of heirs of the purchaser, or where any land shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor then and in every such case the land shall descend, and the descent shall thenceforth be traced from the person last entitled to the land as if he had been the purchaser thereof.

This and former Act read together.

III. The Law of Inheritance Amendment Act, 1854 and this Act shall be read and construed together as forming one Act.

CAP. XLIV.

(Assented to 27th August 1885.)

BARBADOS.

An Act to authorise the establishing of an Inland and Foreign Parcels Post.

BE it enacted by the Governor, Council and Assembly of this Island and by

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the authority of the same, as follows ;

I. This Act may be cited as " The Parcel Post Act, 1885."

Short title.

II. The Governor is hereby authorised and requested to enter into the necessary arrangements with the proper authorities and to take all such steps as are necessary for the establishing of an Inland Parcel Post within this colony, and of a Parcel Post between this colony and Great Britain, and this colony and any other British Colony, and this colony and any Foreign State.

Governor to make arrangements for establishing Parcel Posts.

III. The Governor-in-Executive Committee may from time to time make such rules and regulations as may be necessary for the efficient working of any Parcel Post established under this Act. All such rules and regulations when made may by the same authority be altered, amended, or annulled, and all such rules and regulations altered or amended rules or annulments of rules shall be published three times in the Official Gazette and thereafter shall have the force of law.

Governor-in-Executive Committee to make rules &c. to be published in Official Gazette.

CAP. XLV.

(Assented to 10th September 1885.)

BARBADOS.

An Act to render permanent " The Executive Committee Act, 1881"

WHEREAS in the absence of legislative provision " The Executive Committee Act, 1881," will expire on the thirty first day of December one thousand eight hundred and eighty five ; And Whereas it is deemed expedient that the said Act should become a permanent Act ; Be it therefore enacted by the Governor, Council and As-

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sembly of this Island and by the authority of the same, as follows ;

The Executive Committee Act, 1881, to be permanent.

I. The Executive Committee Act, 1881, shall not expire on the thirty first day of December one thousand eight hundred and eighty five, but the same is hereby made and declared to be a permanent Act.

CAP. XLVI.

(Assented to 10th September 1885.)

BARBADOS.

An Act to reduce the expenditure on education.

WHEREAS it is deemed expedient to reduce the expenditure now incurred in the working of "The Education Act, 1878," and under the rules and regulations drawn up under the authority of the said Act ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited for all purposes as "The Education Expenditure Retrenchment Act, 1885."

Substituted allowance to teachers.

II. In rule twenty one relating to fixed allowances to teachers in respect of the average attendance in elementary schools. in lieu of the amounts now awarded to the various types, the following amounts shall be substituted, namely :

Types 1 and 2.....	\$24
Type 3... ..	20
Type 4.....	16
Type 5.....	10

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III. In rule twenty two relating to capitation grants in elementary schools, the following rates shall be substituted for those now granted to the various types, namely;

Substituted capitation grants.

Types 1 and 2.....	5c.
Type 3.....	4c.
Type 4.....	3c.
Type 5.....	2c.

IV. In rule twenty five the certificate premiums now awarded to teachers shall be awarded as follows ;

Certificate premiums now awarded.

Class 1... ..	\$60
Class 2.....	40
Class 3.....	20
Pass	10

V. In rule thirty nine relating to premiums to teachers for passes in higher subjects in lieu of the amounts sixteen cents, twelve cents, and eight cents, the following shall be substituted, namely, eight cents, six cents, and four cents.

Premiums to teachers for passes in higher subjects.

VI. The scheme for the management of the Pilgrim Place School shall be amended as follows ; In chapter three, section eleven, instead of the words one hundred and fifty pounds, in the second line thereof, the words seventy five pounds shall be read, and in chapter four, section two, instead of the words two hundred pounds in the last line thereof the words one hundred pounds shall be read.

Pilgrim Place School scheme amended.

VII. After the passing of this Act the value of the scholarships established by section seventy two of "The Education Act 1878," tenable at Codrington College shall be thirty pounds.

Value of Codrington College Scholarships under the Act.

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Duration of Act.

VIII. This Act shall continue in force up to and inclusive of the thirty first day of December one thousand eight hundred and eighty six.

CAP. XLVII.

(Assented to 25th September 1885.)

BARBADOS.

An Act to amend "The Police Act, 1882," and "The Police Act, 1882, Amendment Act, 1884."

WHEREAS it is deemed expedient to amend "The Police Act, 1882," and "The Police Act, 1882, Amendment Act, 1884," (hereinafter referred to as "The Police Acts 1882 and 1884,") in manner hereinafter mentioned; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

Short title.

I. This Act may be cited as "The Police Acts, 1882 and 1884, Amendment Act, 1885."

Governor-in-Executive Committee may lawfully do certain things in connection with the Police Force.

II. It shall be lawful for the Governor-in-Executive Committee when and so often as is necessary, but subject to the provisions of section three of this Act, to do all or any of the following things, namely;

- (1) to reduce or increase the number of persons composing the police force, but so as not to increase the number beyond the number provided for by "The Police Act, 1882."
- (2) to reduce the number of horses kept for the use of the land police force.
- (3) to close any police stations, and

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- (4) to rent any guard houses that may from time to time be required for the use of the police force.

III. The power conferred on the Governor-in-Executive Committee shall be exercised in accordance with, and subject to the following provisions, namely ;

Power conferred on Governor-in-Executive Committee how exercised.

- (1) every resolution of the Governor-in-Executive Committee shall be of no effect unless and until it shall have received the sanction of both branches of the legislature.
- (2) any such resolution necessitating the expenditure of public money shall be of no effect unless and until the Legislature shall on the passing of the annual estimates or by special resolution have granted out of the public treasury the money required.
- (3) no person shall, under this Act, be dismissed from the police force before the expiration of the year for which he has been enrolled or re-enrolled, but it shall be lawful not to re-enroll any member of the said force on the termination of the period for which he was enrolled or re-enrolled, and
- (4) every person who under the provision of this Act ceases to be a member of the police force shall be entitled to a refund of all deductions made from his pay in aid of the reward fund and of all accumulations of interest thereon at compound interest.

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To be read with
Police Acts 1882 and
1884.

IV. This Act shall be read and construed as one with The Police Acts 1882 and 1884, save and except that any of the provisions of those Acts which are inconsistent with the provisions of this Act shall be hereby repealed.

Duration of Act.

V. This Act shall continue in force until and inclusive of the thirty first day of December, one thousand eight hundred and eighty-five.

CAP. XLVIII.

(Assented to 16th October 1885.)

BARBADOS.

An Act to provide for the payment into the public treasury of all unclaimed moneys and all undistributed moneys in the hands or under the control of public officers, and for regulating the payment thereof to persons entitled thereto.

WHEREAS it is deemed expedient to provide for the payment into the public treasury of all unclaimed moneys and all undistributed moneys in the hands or under the control of public officers, and for regulating the payment thereof to persons entitled thereto ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Unclaimed and Undistributed Moneys Act, 1885."

Interpretation of
terms.

II. In this Act

"Treasury" means the public treasury of this Island.

"Officer" means the Official Assignee, Provost Marshal, Master in Chancery, or any other public officer not

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already required by Statute to pay into the treasury at stated periods all moneys in his hands or under his control.

“Unclaimed moneys” means any moneys which now or may hereafter remain unclaimed for one year after the same became claimable by or payable to any person or persons.

“Undistributed moneys” means any moneys which now or may hereafter remain unallotted or undistributed for one year after the same became allottable or distributable.

“Judge” when used with reference to applications or proceedings to be made and taken with regard to any unclaimed moneys, or any undistributed moneys paid into the treasury (save and except such unclaimed moneys or such undistributed moneys as may be paid into the treasury by the Master in Chancery) means the Chief Judge of the Court of Common Pleas sitting in chambers or in open court as he shall think fit ; and when used with reference to any applications or proceedings to be made and taken with regard to any unclaimed moneys or any undistributed moneys paid into the treasury by the Master in Chancery means the Vice Chancellor of the Court of Chancery sitting in chambers or in open court as he shall think fit, and before whom all such last mentioned applications and pro-

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ceedings shall be made and taken only.

“Treasurer” means the Treasurer of this island,

“Attorney General” means the person for the time being discharging the duties of Attorney General of this Island.

Officer to pay moneys into Treasury, and furnish Treasurer with a statement.

III. When any officer shall have in his hands or under his control any unclaimed moneys or any undistributed moneys he shall pay the same into the treasury to the credit of an account to be opened in the books of the treasurer in the name or style of office of the officer paying in such moneys with the words “unclaimed or undistributed moneys” added and following such name or style of office. The officer paying in such moneys shall at the time of doing so furnish the treasurer with a statement signed by such officer shewing the name of the person or style of account in which the moneys paid in, stands in the books of his office and the amount paid in, and where known the name of the person entitled thereto, and whether the same will be likely to be claimed or not or distributed or not within a period of one year from the time of paying in the same, and containing such remarks thereon as such officer shall deem necessary and proper to make for ascertaining the person entitled thereto and for facilitating the payment thereof when claimed. The treasurer shall furnish the officer paying in such moneys with a certificate of receipt in duplicate of such moneys, and such officer shall deliver such duplicate certificates to the Auditor General who shall endorse on each of them an acknowledgement of his having received

Treasurer to furnish officer with receipt in duplicate.

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such duplicate certificates so delivered to him, and shall retain one of such certificates when so endorsed and deliver the other to such officer who shall retain the same, which shall be an effectual discharge to such officer for such moneys so paid in.

IV. The Governor-in-Executive Committee may at any time require the Auditor General to enquire into, examine, or audit the accounts of any officer with a view of ascertaining if there are any unclaimed moneys or any undistributed moneys in his hands or under his control which should have been paid into the treasury, and the Auditor General upon being so required shall enquire into, examine, or audit such accounts and report thereon in writing to the Governor-in-Executive Committee.

Governor-in-Executive Committee may require Auditor General to audit, &c.

V. The treasurer shall deposit in the Colonial Bank at current account to the credit of a separate account having the title "Colonial Treasurer, Unclaimed and Undistributed moneys," all sums of unclaimed moneys and undistributed moneys paid in by an officer and whenever the sums so deposited at current account, and not likely to be claimed or distributed for at least one year, shall amount to the sum of one hundred pounds or upwards, such sums shall be deposited by him at interest in the Colonial Bank and the moneys so deposited at interest in the Colonial Bank may be withdrawn from the Colonial Bank by the treasurer subject to the approval of the Executive Committee.

Treasurer to deposit moneys in Colonial Bank to a separate account.

VI. All interest on sums deposited at interest under the last preceding section of this Act shall, when received by the Colonial Treasurer, be retained by him for the benefit of the general revenue.

Interest for benefit of general revenue.

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Person entitled to money may apply to Governor-in-Executive Committee for payment of same.

If Governor not satisfied of right, claimant may petition Judge.

Notice of application to be served on Attorney General.

Costs and expenses of Attorney General to be paid out of amount claimed.

Person entitled to moneys at interest, to wait for same until expiration of notice to Colonial Bank.

VII. Any person entitled to any unclaimed moneys or any undistributed moneys paid into the treasury by any officer pursuant to this Act may apply to the Governor-in-Executive Committee for payment to him of the same, and the Governor-in-Executive Committee if satisfied that the person claiming the same is entitled thereto shall order the payment by the treasurer to such person of the principal sum due him, but if the Governor-in-Executive Committee is not satisfied of the right of such person claiming, to be entitled thereto, the claimant may by motion or petition apply in a summary way to the Judge for payment by the treasurer of the amount claimed.

VIII. A notice of all applications to the Judge shall be served on the Attorney General, and the Judge shall hear such application and make such orders on the treasurer in respect of the money claimed as to the Judge shall seem just.

IX. All costs and expenses incurred by or on behalf of the Attorney General, in resisting or appearing on any such application, unless the Judge shall certify that the claim was so manifestly well grounded that it ought not to be opposed, shall be paid out of the amount thereby claimed.

X. Whenever any unclaimed moneys or any undistributed moneys ordered by the Governor-in-Executive Committee or the Judge to be paid by the treasurer shall be deposited at interest in the Colonial Bank, the person to whom the same is ordered to be paid shall be bound to wait for the payment thereof until the expiration of the notice required to be given to the Colonial Bank of the same being required to be

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paid. The Governor-in-Executive Committee shall on the request of any person entitled to any unclaimed moneys or any undistributed moneys so deposited in the Colonial Bank at interest require the treasurer to, and the treasurer shall on being so required or by order of the Judge, give such notice to the Colonial Bank, as is required to be given before the moneys so deposited at interest in the Colonial Bank are withdrawn therefrom.

Treasurer to give notice to Colonial Bank.

XI. The Governor-in-Executive Committee or the Judge may if he thinks fit require any person applying to be paid any unclaimed moneys or any undistributed moneys paid into the treasury to give such public notice as they shall deem proper by advertisements in one or more of the newspapers of this island.

Governor-in-Executive Committee or Judge may require applicant to give public notice.

XII. Every such notice shall state the amount claimed, and the name of the claimant, and the time at which the payment will be made if no other claimant sooner appears and makes out his claim, and such other particulars as the Governor-in-Executive Committee or the Judge shall require, and where any such payment is ordered, the notice shall also state the purport of the order.

Substance of notice.

XIII. At any time before payment under the order of the Judge or Governor-in-Executive Committee (as the case may be) to any person of any unclaimed moneys or any undistributed moneys, any other person may apply to the Judge or Governor-in-Executive Committee (as the case may be) by motion or petition in a summary way to rescind or vary any order made for payment thereof, and the Judge or Governor-in-

Before payment of moneys any other person may apply to rescind vary order.

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Executive Committee (as the case may be) shall hear and determine the rights of parties thereto and make such order thereon as to him shall seem just.

Neither Governor-in-Executive Committee nor Treasurer liable for money claimed after payment, but claimant may recover from payee by action on plaint.

Indemnification clause.

Moneys paid in by Official Assignee, if required for payment of dividends, shall be paid on production of dividend order.

After 3 years all moneys and interest to be transferred to account of the general revenue.

XIV. Where any moneys having been paid as aforesaid to a claimant is or are afterwards claimed by another person neither the Governor-in-Executive Committee nor the treasurer shall be responsible for the same to such other claimant but he may have recourse against the person to whom the payment was made, and may if entitled to such moneys recover from such person the moneys so paid by action or plaint in the court having jurisdiction.

XV. The Governor-in-Executive Committee and the treasurer are hereby indemnified in respect of every payment of moneys under this Act, and shall not be in any manner responsible to any person having or claiming any interest therein.

XVI. Notwithstanding the preceding sections of this Act, in all cases in which the Official Assignee requires any moneys paid into the treasury by him, for the payment of any dividend subsequently declared, the money so required shall be paid to him by the treasurer on the production of the dividend order; provided always that any moneys so paid to the Official Assignee if not paid away by him within one year of the receipt thereof by him from the treasurer shall be deemed unclaimed within the meaning of this Act.

XVII. Any moneys paid into the treasury by any officer under this Act which have remained in the hands of such officer unclaimed for three years prior to such payment or shall remain in the treasury un-

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claimed for a period which together with the period during which it has remained unclaimed in the hands of such officer is equal to three years, shall be transferred by the treasurer, together with any accumulations of interest thereon, to the account of the general revenue; provided always that any moneys so transferred if claimed by any person entitled thereto, as provided by this Act, within twenty years after the same were paid into the treasury shall be paid to such person.

Proviso.

XVIII. Where any moneys are not claimed for twenty years after the same have been paid into the treasury by an officer, the same and all accumulation (if any) of interest thereon shall become the property of the public of this Island for the purposes of the general revenue.

After 20 years all moneys and interest to be the property of the public for general revenue.

CAP. XLIX.

(Assented to 16th October 1885.)

BARBADOS.

An Act to amend an Act entitled, "An Act to consolidate and amend the laws for the repair and improvement of the Highways."

WHEREAS it is deemed expedient to amend the Act of this Island of the twenty fourth day of February one thousand eight hundred and sixty four, entitled, "An Act to consolidate and amend the laws for the repair and improvement of the highways" (hereinafter referred to as "the principal Act"); Be it therefore enacted by the Governor, Council, and Assembly

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of this Island and by the authority of the same, as follows :

Short title.

I. This Act may be cited for all purposes as "The Highways Act, 1864, Amendment Act, 1885."

Interpretation of terms.

II. In this Act if not inconsistent with the context the following words shall have the meaning hereinafter respectively assigned to them, namely ;

"Parish" means the parish where the land is situate, or where the vehicle or taxable animal is kept.

"Parochial Treasurer" includes the person performing the duties required by the principal Act and this Act to be performed by the Parochial Treasurer of the parish by reason of such Parochial Treasurer declining to perform such duties.

"Vehicle" means any carriage, phaeton, chaise, gig, van, waggon, dray, cart, or other conveyance of the like description.

"Taxable animal" means any horse mule or ass.

Vehicle not in use, for 30 days, exempt.

III. There shall be excepted from the operation of this Act any vehicle not in use, for a period of thirty or more consecutive days, but the burden of proof of its not being in use shall be on the person possessed thereof ; and for the purposes of this Act the owner of such vehicle shall be deemed to have become possessed thereof on the first day of its being used after such period.

Act not to interfere with provisions of certain other Acts.

IV. This Act shall not interfere with the provisions of "The Highways (St. Michael) Act, 1882," nor with the provisions of "The

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Saint James Parish (Barbados) Loan Act, 1884," during the time those Acts respectively continue in force; and those Acts shall henceforth be read and construed as if sections eight and ten of the principal Act were not contained in the principal Act at the time of the passing of those Acts and as if this Act were in force at the time of the passing of the said two Acts respectively.

V. Every person who on the first day of May in any year shall be the owner of any land assessed by the acre by the vestry of any parish shall sometime in such month notify to the Parochial Treasurer of the parish the quantity of such land owned by him.

Return of land.

VI. Every person who on the first day of May in any year shall become the owner of, or who shall at any time between the first day of May in any year, and the thirtieth day of April in the next succeeding year become the owner of any vehicle or taxable animal shall sometime in such month of May in every year or within thirty days after having become the owner thereof notify to the Parochial Treasurer of the parish the number of wheels of each vehicle and the number of taxable animals owned by him respectively.

Return of vehicles
or taxable animals.

VII. The Parochial Treasurer of each parish shall within fifteen days prior to the first day of May in every year cause printed notices to be affixed near the churches and chapels and other places of public resort in the parish containing the particulars of the notices required to be given to him by this Act.

Printed notices of
returns required by
Act to be affixed
near churches &c.

VIII. Every person who on the first day of May in any year shall be the owner of any land or of any messuage, shall some

Tax on land.

LAWS OF BARBADOS.

time during the month of June following pay to the Parochial Treasurer of the parish at the rate of nine pence for each acre of land assessed by the vestry of the parish, and one penny half-penny in the pound upon the annual rent or value of such messuage ; and where any person is the owner of land and a house or houses thereon or thereto belonging the tax aforesaid shall not be paid on both the land and the house or houses, but the tax shall be paid either on the land or on the messuage thereto belonging, whichever shall afford the largest tax, such tax on lands and messuages to be regulated by the annual assessment for general parochial purposes made by the vestry of the parish, but if there be a failure in the parish for want of a vestry or otherwise in making such annual assessments, the tax shall be regulated by the last assessment duly made in the parish for general parochial purposes.

Tax on vehicles or animals.

IX. Every person who on the first day of May in any year shall have been the owner of any vehicle or taxable animal shall some time during the month of June following pay to the Parochial Treasurer to whom the notification of the owning thereof has been given the following taxes, namely ;

For each wheel of each vehicle...two shillings and six pence.

For each horse.....six shillings.

For each mule...three shillings and nine pence.

For each ass.....two shillings, and every person who shall have become the owner of any vehicle or taxable animal between the first day of May of any year and the first day of May of the next succeeding

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year, shall within sixty days after becoming the owner thereof pay to the Parochial Treasurer to whom the notification of the ownership thereof has been given a proportionate part of such taxes to be computed from the first day of the month next succeeding the month in which he became the owner thereof to the thirtieth day of April then next following ; provided always that if the tax for any vehicle or taxable animal has already been paid to or is liable to be paid to the Parochial Treasurer of any parish to whom the same was rightfully payable the person who so became the owner of such vehicle or taxable animal shall not be liable to pay the tax for such proportionate period.

Proviso.

X. In case default shall be made by any person in notifying to the Parochial Treasurer of the parish within the time limited and appointed by this Act for the purpose, the quantity of land and the number of wheels of each vehicle and the number of taxable animals of which he shall be respectively the owner, he shall in the discretion of the Parochial Treasurer of the parish be liable to pay double the amount of the tax that he would otherwise be required to pay by virtue of this Act, such double amount to be recovered in the same manner as is by law provided for the recovering of the ordinary tax required to be paid by this Act.

In default of return, person liable at discretion of Parochial Treasurer to double tax.

XI. If any person shall give or furnish to the Parochial Treasurer of any parish any information by means of which double taxes against any defaulter shall be recovered, the Highway Commissioners of such parish may if they think fit order to be paid from the road funds of the parish to

Reward to person furnishing information.^s

LAWS OF BARBADOS.

Taxes when deemed
due.

such person for his own use, for each default for which he shall give or furnish the information, a sum of two shillings, or such other sum beyond the sum of two shillings but not exceeding twenty shillings as the Highway Commissioners of the parish may think fit to order to be paid.

XII. The taxes required to be paid by this Act shall be deemed to be due on the first day of June in every year by such persons as shall be the owners of any land or messuage, or any vehicle or taxable animal on the first day of May preceding, and to be due by such persons as have become the owners of any vehicle or taxable animal between the first day of May in any year and the thirtieth day of April in the next succeeding year at the expiration of thirty days after the first day of the month next succeeding the month in which they became the owners thereof.

Who deemed owner
of vehicle or taxable
animal.

XIII. For the purposes of this Act the person occupying the dwelling house, stable, store, or other building or place in or at which any vehicle or taxable animal liable to the payment of any tax under this Act is accustomed to stay or be kept, shall be deemed to be the owner of such vehicle or taxable animal, unless such person shall furnish satisfactory evidence to the contrary.

Appointment and
remuneration of In-
spector of Highways.

XIV. It shall be lawful for the Commissioners of Highways, on each occasion of the appointment of an Inspector of Highways for the City of Bridgetown or their respective parishes, to make such contract with the person so appointed as to the duration of his appointment and as to the rate of remuneration for his services as they shall deem fit; provided always, that the rate of remuneration agreed upon shall in no case exceed the

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sum of eight pounds six shillings and eight pence per month, or one hundred pounds per annum.

XV. The following provisions of the principal Act are respectively hereby repealed, namely ; section ten, and section eight from the beginning up to and inclusive of the words ; "two shillings for each ass," but the repeal shall not affect the past operation of the several enactments hereby respectively repealed, nor anything duly done or suffered under the enactments hereby respectively repealed, nor any right, privilege, obligation or liability acquired, accrued, or incurred under the enactments hereby respectively repealed.

Repeals.

XVI. This Act and the principal Act shall be read and taken together as one Act.

Act read with principal Act.

CAP. L.

(Assented to 16th October, 1885.)

BARBADOS.

An Act to authorise flogging in certain cases of wounding.

WHEREAS resort to the knife, razor, or other sharp instrument in cases of personal and sudden quarrels has of late become very common, and the practice is one which should be put down as being cowardly and of evil example ; Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

1. This Act may be cited as "The offences against the person Act, 1885."

Short title.

LAWS OF BARBADOS.

Person convicted of unlawfully wounding as herein mentioned, shall, at discretion of Court,

II. Where any person is convicted at the Court of Grand Sessions of this Island of any offence against the person wherein it is proved by the evidence adduced at the trial that the offender used a knife, razor, or any other sharp or pointed instrument whatsoever made of steel, iron, brass, or any metal whatsoever likely to do any grievous bodily harm, in addition to any punishment to which such person is now liable under the Act of the seventeenth day of February one thousand eight hundred and sixty eight, entitled, "An Act to consolidate and amend the law of this island relating to offences against the person" such offender shall be liable, at the discretion of the Court, to the following punishment, namely;

if a male be whipped, and

(a.) if a male to be once, twice or thrice privately whipped, but subject to the provisions with regard to whipping contained in section nineteen of the said recited Act of the seventeenth day of February one thousand eight hundred and sixty eight, and

if a female have her hair cut close, as herein provided.

(b.) if a female to have her hair cut close on being committed to prison, and kept close while undergoing imprisonment and until discharged from prison;

Provido as to capital cases.

provided always that in any case where the person convicted is sentenced to undergo capital punishment, the additional punishment imposed under this Act shall not be inflicted.

This, and the recited Act to be read together.

III. This Act and the said recited Act of the seventeenth day of February one thousand eight hundred and sixty eight shall be taken and read together as one Act.

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.IV. The Act of the seventeenth day of June one thousand eight hundred and eighty four, entitled "An Act to authorise flogging in certain cases of wounding" is hereby repealed ; provided that such repeal shall not affect the past operation of the enactment hereby repealed, or anything duly done or suffered under the enactment hereby repealed nor any penalty or punishment incurred in respect of any offence committed against the enactment hereby repealed.

Repeal.

Proviso.

CAP. LI.

(Assented to 24th October 1885.)

BARBADOS.

An Act to amend "The Trade Act, 1878."

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows ;

I. This Act shall be read together with "The Trade Act, 1878," as one Act, and may be cited as "The Trade Act 1878, Amendment Act, 1885."

Short title.

II. If any person shall appeal to the Assistant Court of Appeal or from that Court to the Court of Error against a conviction for any offence committed by him against the provisions of The Trade Act, 1878, or any Act amending that Act, such appeal shall not operate to stay proceedings in relation to the execution or further prosecution of such conviction unless and until the appellant shall enter into a recognizance in the form in the schedule to this Act annexed, before the Court against whose decision or judgment the appeal is made, with or without a surety or sureties as

Conviction not stayed, by person appealing, until recognizance entered into, or deposit made.

LAWS OF BARBADOS.

such Court may determine, conditioned to appear and try such appeal and to abide the judgment of such Court thereon, and to pay such costs as may be awarded by such Court ; or the appellant may, if the Court from whose decision or judgment he appeals thinks it expedient, instead of entering into a recognizance, give such other security by a deposit of money with the Clerk of the Court as that Court may deem sufficient ; provided always that such recognizance be entered into or such security be given within the period limited by law for making such appeal.

Sum due on recognizance, or deposit, how recovered.

III. Any sum which may become due in pursuance of any recognizance or deposit given or made under the provisions of the last preceding section shall be recovered in a summary manner before a Police Magistrate on complaint of the Clerk of the Court directing such recognizance or deposit to be given or made, and shall be paid into the public treasury to the credit of the general revenue.

Not to affect.

IV. Nothing in this Act contained shall be deemed to affect the law in any cases save those specially provided for by the foregoing sections

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SCHEDULE.

RECOGNIZANCE TO APPEAR, &c.

Complainant }
 Defendant }

Parish of——(or City of, as the case may be)

Whereas the undersigned principal party to this recognizance hereby binds himself to perform the following obligation, namely, ; and the said principal party together with the undersigned sureties heraby severally acknowledge tehmselves to forfeit to the Crown the sums following, namely, the said principal party the sum of pounds and the said sureties the sum of pounds each in case the said principal party fails to perform the above obligation.

Signed A.B.—principal party.

C.D. }
 E.F. } Sureties.

Taken before me, this day of
 188 , at

Signed

Justice of said

LAWS OF BARBADOS.

CAP. LIJ.

(Assented to 24th October 1885.)

BARBADOS.

*An Act to amend the law of assignment of
personalty.*

WHEREAS it is expedient to amend the law of assignment of personalty ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Law of Assignment of Personalty Amendment Act, 1885."

**Assignment to self
and others.**

II. Any person by the like means as he might now assign to another person personal property at present assignable by law including chattels real shall have power to assign the same in any of the following cases ;

- (a) from himself in a fiduciary capacity to himself and another person or persons in the same fiduciary capacity ;
- (b) from himself in a fiduciary capacity to himself and another person or persons in a different fiduciary capacity ;
- (c) from himself in a fiduciary capacity to himself in another fiduciary capacity ;
- (d) from himself in a fiduciary capacity to himself individually ;
- (e) from himself in his individual right to himself and another person or persons in a fiduciary capacity.
- (f) from himself in his individual right to himself and another person or persons in their individual rights.

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III. Nothing in this Act contained shall render valid any assignment of personalty made by one deed which, prior to its passing, would have been invalid if made by two deeds.

Act not to render certain deeds valid.

CAP. LIII.

(Assented to 24th October, 1885.)

BARBADOS.

An Act to amend An Act to continue the subsidy granted by the Act of the 6th day of March 1876, entitled, An Act to grant a subsidy to The West India and Panama Telegraph Company, Limited—passed in the present session of the Legislature.

WHEREAS it is expedient to amend the Act entitled, An Act to continue the subsidy granted by the Act of the sixth day of March one thousand eight hundred and seventy six, entitled, An Act to grant a subsidy to The West India and Panama Telegraph Company, Limited—passed in the present session of the Legislature; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

I. Section one of the said Act passed in the present session of the Legislature is hereby amended, by omitting therefrom the words "section one of the said Act" occurring towards the end of the section, and substituting therefor the words "the said Act of the sixth day of March one thousand eight hundred and seventy six."

Amending and substituting words.

LAWS OF BARBADOS.

CAP. LIV.

(Assented to 30th October 1885.)

BARBADOS.

An Act to amend "The Judgment Creditors Remedies Act, 1884."

WHEREAS it is deemed expedient to extend the provisions of "The Judgment Creditors Remedies Act 1884" so as to enable Judgment Creditors to attach monies in the hands of or coming to the Master in Chancery, Official Assignee and Provost Marshal of this island and belonging or payable by them to Judgment Debtors; Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same as follows;

Short title.

I. This Act may be cited for all purposes as "The Judgment Creditors Remedies Act, 1884, Amendment Act, 1885."

Monies in hands of or coming to Master in Chancery, Official Assignee, and Provost Marshal belonging to a Judgment Debtor deemed a debt under sec. 8 of "The Judgment Creditors Remedies Act, 1884," and such officers to be garnishees.

II. In the special cases of monies being in the hands of or coming to the Master in Chancery, Official Assignee and Provost Marshal of this island, belonging or payable to any Judgment Debtor such monies shall for the purposes of this Act be deemed to be a debt within the meaning of Section VIII. of "The Judgment Creditors Remedies Act, 1884" and in those special cases the above named officers shall for the purposes of this Act be deemed to be garnishees within the meaning of the same Section, and the said Act shall be read and construed accordingly.

Decrees and orders for payment of money shall have effect of Common Pleas Judgments, and persons to whom money payable deemed Judgment Creditors within

III. All decrees and orders of the Court of Chancery and all rules of the Court of Common Pleas, and all orders of the Court of Chancery or Vice Chancellor in matters of lunacy whereby any sum of money or any costs charges or expenses shall be payable

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to any person shall have the effect of judgments of the Court of Common Pleas, and the persons to whom any such monies or costs, charges, or expenses, shall be payable shall be deemed judgment creditors within the meaning of "The Judgment Creditors Remedies Act, 1884," and all powers thereby given to the Court of Common Pleas and the Judge thereof with respect to matters depending in the said court shall and may be exercised by the Court of Chancery with respect to matters therein depending, and by the Court of Chancery or Vice Chancellor in matters of lunacy, and all remedies thereby given to Judgment Creditors are in like manner given to persons to whom any monies or costs charges or expenses are by such orders or rules respectively directed to be paid.

Judgment Creditors
Remedies Act.

IV. A judgment already confessed or obtained or to be hereafter confessed or obtained by any person in the Court of Common Pleas shall operate as a charge upon all lands tenements rents and hereditaments of or to which such person shall at the time of the confessing or obtaining such judgment or at any time afterwards be seised possessed or entitled for any estate or interest whatever at law or in equity whether in possession reversion remainder or expectancy or over which such person shall at the time of the confessing such judgment or the obtaining of the same or at any time afterwards have any disposing power which he might without the assent of any other person exercise for his own benefit, and shall be binding as against the person by whom judgment shall be so confessed or obtained and against all persons claiming under him after

Common Pleas
Judgments shall
operate as a charge
upon lands &c., and
every Judgment
Creditor shall have
same remedies in
Court of Equity as if
person had power,
and had agreed, to
charge lands &c.

LAWS OF BARBADOS,

such judgment and shall also be binding as against the issue of his body and all other persons whom he might without the assent of any other person cut off and debar from any remainder, reversion, or other interest in or out of any of the said lands, tenements rents, and hereditaments, and every judgment creditor shall have such and the same remedies in a Court of Equity against the hereditaments so charged by virtue of this Act or any part thereof as he would be entitled to in case the person by or against whom such judgment shall have been so confessed or obtained had power to charge the same hereditaments, and had by writing under his hand agreed to charge the same with the amount of such judgment debt and interest thereon: Provided always that nothing in this section contained shall give any special judgment the effect of a general judgment or cause any such special judgment to effect any lands, tenements, or hereditaments other than those specially mentioned or referred to therein.

Proviso.

Judgment Creditors Remedies Act altered and amended to give effect to this Act.

Read with other Acts.

V. The Judgment Creditors Remedies Act, 1884 shall be altered and amended so far as is necessary to give effect to the provisions of this Act in the special cases herein referred to, but not for or otherwise.

VI. This Act and "The Judgment Creditors Remedies Act 1884" and the Act passed the 12th day of May 1885 entitled An Act to amend "The Judgment Creditors Remedies Act 1884" shall be read and construed together as one Act.

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CAP. LV.

(Assented to 30th October 1885.)

BARBADOS.

An Act to consolidate and amend the law of this Island relating to the distillation of rum and to the payment of duty thereon.

WHEREAS it is deemed expedient to consolidate and amend the law relating to the distillation of rum and to the payment of duty thereon ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

Preliminary.

1. This Act may be cited for all purposes as "The Rum Duty Act, 1885."

Short title.

2. In this Act each of the following terms shall, except there is something in the subject spoken of, or in the context inconsistent with such meaning, have the meaning hereafter assigned to it, that is to say ;

Interpretation of terms.

"Rum" shall mean distilled spirits of every kind containing alcohol ;

"Gallon" shall mean common or wine measure gallon ;

"Proof" shall mean of the strength of proof as ascertained by Sykes' hydrometer ;

"Still" shall mean apparatus of any kind for distilling rum ;

"Owner" shall mean the owner, lessee, receiver, attorney, manager, or any other duly authorised person in charge of any sugar plantation, place, house, shop, distillery, or dwelling, or building of any kind or sort in which a still shall be erected, set up or worked ;

LAWS OF BARBADOS.

"Distiller" shall mean any person who distils rum ;

"Distillery" shall mean house or building of any kind in which a still is set up ;

"Premises" shall mean lands or buildings, or both occupied or used by a distiller along with his distillery in the course of his business as a distiller ;

"Rum Store" shall mean a store provided by a distiller under the provisions of this Act, and used by him for the deposit of rum ;

"Officer" shall mean officer of inland revenue ;

"Proper officer" shall mean officer of the inland revenue district wherein the distillery is situate ;

"Erected" when used in reference to stills, shall mean when the still is capable of distilling rum ;

"Stock book" shall mean rum store book and distillery book ;

"Capacity" shall mean working capacity.

Erection of stills.

No still to be within 300 yards of retailer of liquors.

3. No still shall after the passing of this Act be erected and licensed if the building in which it is erected is within three hundred yards of the place of business of a licensed retailer of liquors.

Penalty for infringement.

4. Whoever shall infringe the provisions of the last preceding section shall be liable to a penalty not exceeding one hundred pounds and shall forfeit his license.

Registration of stills.

In what manner and within what period still shall be registered,

5. Every still shall be registered by the owner thereof in a manner hereinafter mentioned and within the period hereinafter prescribed, (that is to say) ;

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If the still has been erected prior to the passing of this Act, within ten days after such passing ;

and if the still is erected after the passing of this Act, within ten days after it is erected.

6. Every owner of a still who fails to register his still within the period mentioned in the last preceding section shall be liable to a penalty of five pounds for each day during which his still remains unregistered after the termination of the aforesaid period.

Penalty on omission to register.

7. No person shall use a still for distilling rum unless and until the still has been registered at the office of the Colonial Treasurer in manner hereinafter provided.

No still to be used unless registered at Treasurer's Office.

8. Every person who uses an unregistered still for distilling rum shall be liable to a penalty of twenty pounds for each day during which he so uses the still without its being registered ; provided also that if a person is at the same time liable to a penalty under section six of this Act as well as to a penalty under this section, only the penalty under this section shall be enforced.

Penalty for using unregistered still.

Proviso.

9. Every person desirous of registering a still shall register the same by giving to the Colonial Treasurer a written declaration signed by himself and containing a statement of the capacity of the still about to be registered, of the local situation and name of the plantation or place where the said still is erected, and also containing a statement whether the said still is constructed in the ordinary way, or in accordance with the specification of some (and if any, of what) patent. Every person who complies with the requirements of the preceding part of this section shall be entitled to receive

Registration of still at Treasurer's Office.

Certificate of registration.

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Treasurer to file declaration, and send duplicate of Certificate to Revenue Officer.

Penalty for giving incorrect declaration.

Alterations in stills to be reported to Treasurer.

Report to be made of destruction or removal of still, and place of removal.

from the Colonial Treasurer (who is hereby authorised and required to give the same), a certificate of the registration of his still, and all such certificates shall be in the form marked A, in the schedule of this Act, and shall be numbered from number 1 consecutively upwards. The Colonial Treasurer shall file and preserve the said written declaration and shall send a duplicate of the certificate of registration to the proper revenue officer.

10. Every person who when registering a still gives the Colonial Treasurer a written declaration which states incorrectly any of the particulars mentioned in the last preceding section of this Act shall be liable to a penalty of ten pounds.

Registration after alteration in stills.

11. Whenever any alterations are made in any registered still whereby its capacity is diminished or increased, or its construction is changed, the owner of the registered still so altered shall, within ten days after the alterations are completed, report in writing to the Colonial Treasurer the fact of the said alterations having been made, and also how far the capacity or construction of the said still is affected thereby.

Registration after destruction or removal.

12. Whenever any registered still is destroyed or moved to other premises, the owner of the registered still so destroyed or removed shall, within ten days after the destruction or removal is complete, report in writing to the Colonial Treasurer the fact of such destruction or removal, and also (in

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cases of removal), the name and local situation of the place to which the said still has been removed.

13. Whenever a new still is erected in substitution for a registered still, the owner of such still shall, within ten days after it is erected, report in writing to the Colonial Treasurer the fact of its having been erected and also the difference (if any), between the capacity and construction of such new still and the capacity and construction of the registered still for which such new still is substituted.

Report to be made when new still erected in lieu of registered still.

Sale, lease or transfer of registered stills.

14. Whenever any registered still is sold, leased, or transferred, the owner of such still prior to the sale, lease, or transfer, shall, within ten days after the sale, lease, or transfer is completed, report in writing to the Colonial Treasurer the fact of such sale, lease, or transfer, and also the name and place of abode of the person to whom such sale, lease, or transfer is made.

Report to be made when still sold, leased, or transferred.

15. Every person who fails to comply with the requirements of any one of the four last preceding sections of this Act shall be liable to a penalty of not exceeding ten pounds.

Penalty for non-compliance with 4 last preceding sections.

Licensing of stills.

16. The owner of a still shall not in any year distil rum therein unless and until he has in manner hereinafter provided previously in such year obtained a license to distil rum in such still.

No still to be used unless licensed

17. Every owner of a still who infringes the provisions of the last preceding section of this Act shall for each and every period of

Penalty on infringement of last section.

LAWS OF BARBADOS.

ten days during which he infringes them be liable to a penalty equal to twice the sum payable for a license for his still.

No license for un-registered still.

18. No license shall be granted in respect of a still which is not registered.

Requirements for obtaining license.

19. Every owner of a registered still who desires to obtain a license to distil rum therein shall in each year in which he desires to obtain such license comply with the following requirements ;

- (1) he shall produce to and leave with the Colonial Treasurer a certificate from the police magistrate of the district in which his still is set up, certifying that he is a fit and proper person to receive such license ; and
- (2) he shall pay to the Colonial Treasurer the sum of twenty five pounds, provided the capacity of his still does not exceed one hundred gallons ; but if the capacity of his still exceeds one hundred gallons he shall, in addition to the said sum of twenty five pounds, pay to the Colonial Treasurer the sum of one shilling for each and every gallon by which the capacity of his still exceeds one hundred gallons.

Treasurer to give license according to form B.

20. Every owner of a registered still who complies with the requirements of the last preceding section of this Act shall thereupon receive from the Colonial Treasurer, (who is hereby authorised and required to give the same), a license in the form marked B in the schedule to this Act ; which license shall authorise such owner to distil rum in his still from the date of such license up to and inclusive of the last day of De-

Duration of license.

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cember in the year in which such license is given.

Alterations in a licensed still.

21. If any alterations are made in any licensed still the license held by the owner thereof shall not be affected thereby, but if the capacity of such still is increased by the alterations made, the owner thereof shall within ten days after such alterations are completed pay to the Colonial Treasurer the difference between the sum paid to him on obtaining the existing license for such still and the sum which would have been then payable to him for a license had the capacity of the still then been the same as its capacity when altered.

Alterations in licensed still provided for.

22. Every owner of a licensed still who fails to comply with the requirements of the last preceding section of this Act, shall for each and every period of ten days during which he fails to comply with the same be liable to a penalty equal to twice the sum payable by him under the provisions of the last preceding section.

Penalty for non-compliance with last preceding section.

Removal of a licensed still.

23. If any licensed still is removed to other premises the license held by the owner thereof shall not be affected thereby.

If still removed, license not affected.

24. If a new still is erected in substitution for a licensed still the license held by the owner of the licensed still shall entitle him to distil rum in the substituted still during the continuance of such license; but if the capacity of the substituted still exceeds that of the licensed still, the owner thereof shall, within ten days after the substituted still is erected, pay to the Colonial Treasurer the difference between the sum paid to him

When new still substituted for another, license not affected.

But if capacity different, owner to pay difference of licence.

LAWS OF BARBADOS.

on obtaining the existing license and the sum payable for a license for the substituted still.

Penalty for non-compliance with last preceding section

25. Every owner of a licensed still who fails to comply with the requirements of the last preceding section of this Act shall, for each and every period of ten days during which he fails to comply with the same, be liable to a penalty equal to twice the sum payable by him under the provisions of the last preceding section.

Sale, lease or transfer of a licensed still.

Where still sold &c., license may be sold, &c.

26. If any licensed still is sold, leased, or transferred, the license held by the owner of such still may be sold, leased, or transferred by him together with his still; provided always that the person to whom such license is sold, leased, or transferred, shall not make use of the same unless and until he has reported in writing to the Colonial Treasurer the fact of such sale, lease, or transfer, and has also complied with the first of the requirements of section nineteen of this Act.

Proviso.

Penalty for non-compliance with last preceding section.

27. Every owner of a licensed still to whom a license to distil rum therein has been sold, leased, or transferred, together with such still, and who fails to comply with the requirements of the last preceding section of this Act shall be liable to the penalty imposed by section seventeen of this Act on the owners of stills who distil rum therein without previously obtaining a license.

Sale, lease or transfer of a license.

License not to be sold, &c., without the still.

28. It shall not be lawful for the owner of any licensed still to sell, lease, or transfer his license, save and except he at the same time and to the same person sells, leases,

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or transfers the still in respect of which such license has been obtained, and if any person who may be the purchaser, lessee, or transferee of a license without being also the purchaser, lessee, or transferree of the still in respect of which such license had been obtained, shall use such license for distilling rum, he shall be liable to the penalties imposed in this Act on the offence of distilling rum without a license.

Signboards.

29. Every owner of a still shall exhibit on some conspicuous and public part of the premises whereon his still is erected, a signboard of the following description, (that is to say) ;

Owner of a still to exhibit signboard of a certain description.

if his still is not licensed, a signboard having the words "Registered in-operative still, No. " and the number of the certificate of registration of his still painted thereon in white letters of not less than three inches in height on a black ground ;

and if his still is licensed, a signboard having the words "Registered licensed still No. " and the number of the license of his still painted thereon in white letters of not less than three inches in height on a red ground.

30. Every owner of a still who fails to comply with the requirements of the last preceding section of this Act shall, for each and every period of ten days during which he fails to comply with the same, be liable to a penalty of five pounds.

Penalty for non-compliance with last preceding section.

LAWS OF BARBADOS.

Rum store.

Owner of a licensed still to provide a rum store under a penalty.

Proviso.

Proviso.

All rum to be in store within one hour of distillation.

Penalty for non-compliance with last preceding section.

31. Every owner of a licensed still shall within three months after the passing of this Act provide a rum store on his premises; and such rum store shall be separated by a wall or wooden partition from the room in which his still is erected, and every owner in default of so doing shall, for each and every period of ten days during which there is no rum store so provided be liable to a penalty of five pounds. Provided always that the inland revenue officer shall if he is satisfied with the position and construction of any rum store in use on the passing of this Act, but not on the same premises as the still, in writing authorise or license the owner of the still to continue such rum store in use until such authority or license be revoked by the Governor-in-Executive Committee. Provided also that during the said three months no room or place shall under a penalty of fifty pounds be used as a rum store without the consent and approval of the revenue officer, and the revenue officer shall not permit a room that is not on the same premises with the still to be used as a rum store if it is possible to make temporary provisions for a rum store on the same premises with the still.

32. Every owner of a licensed still shall place in his rum store all rum distilled in his still within one hour of the distillation of the same.

33. Every owner of a licensed still who fails to comply with the requirements of the last preceding section of this Act shall, (in addition to any penalty to which he may be liable under the provisions of

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section thirty one of the Act), be liable to a penalty of ten shillings for each gallon of rum distilled in his still but not placed by him in his rum store in accordance with the provisions of the last preceding section of this Act.

When stills not to be used.

34. The owner of a licensed still shall not distil rum therein on Sundays, Christmas Day, Good Friday, or any day set apart by proclamation as a day of public fasting or thanksgiving, or at any time between the hours of six of the clock in the evening and five of the clock in the morning of the next day.

Rum not to be distilled on certain days, and between certain hours.

35. Every owner of a licensed still who infringes the provisions of the last preceding section of this Act shall for each and every infringement of its provisions be liable to a penalty of twenty pounds.

Penalty for infringing last preceding section.

Re-distillation of rum.

36. The owner of a licensed still shall not re-distil rum therein so long as there is any wash in his distillery unless an officer be present during the whole process of re-distillation, and the officer so employed shall on the completion of the redistillation be paid by the owner of the still at the rate of one shilling and sixpence per hour for each hour he has been so employed.

Rum not to be re-distilled whilst wash in distillery except as herein provided.

37. Every owner of a licensed still who infringes the provisions of the last preceding section of this Act shall be liable to a penalty of twenty five pounds for each and every infringement of its provisions.

Penalty for infringing last preceding section.

38. Every owner of a licensed still may, subject to the provisions of section thirty six of this Act, re-distil rum in his still,

Conditions on which rum may be re-distilled.

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provided he complies with the following conditions, (that is to say);

provided that he shall not re-distil rum purchased for that purpose so long as he has any rum in his rum store that could be used for re-distillation ;

provided he, before removing from his rum store any rum required for re-distillation complies with the first five provisions contained in section forty of this Act relating to the removal of rum from a rum store ;

and provided he, after the re-distillation is completed, places the re-distilled rum in his rum store.

Penalty for non-compliance with last preceding section.

39. Every owner of a licensed still who re-distils rum therein without complying with all conditions mentioned in the last preceding section of this Act shall be liable to a penalty of twenty pounds for every offence.

Removal and permitting of rum.

Conditions on which rum may be removed from rum store.

40. Every owner of a still who removes or permits the removal of any rum from his rum store shall observe the following provisions, (that is to say) ;

(1.) he shall not remove or permit the removal of any rum from his rum store between the hours of five of the clock in the evening and six of the clock in the morning of the next day.

(2.) he shall not on any occasion remove or permit the removal from the distillery, rum store, warehouse or other place in which he may have rum stored, any smaller quantity of rum than thirty proof gallons ;

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- (3.) he shall not on any occasion remove from his rum store or permit the removal therefrom of any rum unless and until the quantity, calculated in proof gallons, of the rum about to be removed has been ascertained by the proper officer ;
 - (4.) he shall not on any occasion remove from his rum store or permit the removal therefrom of any rum unless and until he has received from the proper officer a permit in accordance with the form marked C in the schedules to this Act -
 - (5.) he shall not on any occasion remove from his rum store or permit the removal therefrom of any rum unless the proper officer be present ;
- provided always that every owner of a still may in the event of fire breaking out at his distillery or rum store, remove any rum therefrom without complying with the requirements of this section, but in such case he shall within twelve hours after such removal report in writing to the proper officer the fact of such removal and also the quantity, (calculated in proof gallons), of rum so removed as aforesaid.

Proviso.

Rum for domestic use.

41. The proper revenue officer shall, if the owner of the still desire him to do so, allow such owner to have in any one year fifty gallons of rum for domestic use, free of duty. Such rum shall be permitted by the revenue officer in one package, and on one occasion only, and shall be removed out of the rum store in the presence of such revenue officer.

If owner desires
50 gallons allowed
for domestic use.

How permitted.

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Rum not to be sold &c., except in quantity exceeding 30 gallons and under a subsisting permit.

42. It shall not be lawful to sell or deliver or remove rum from any distillery, rum store, warehouse, or other place in which the owner of a distillery may have rum stored except the rum so sold, delivered, or removed, calculated in proof gallons exceeds thirty proof gallons in quantity, and is of the same quantity and in the same package in which it was permitted by the revenue officer, and is sold, delivered, removed, or conveyed with and under a valid and subsisting permit.

Penalty for breach of preceding section

43. In the event of any breach of the provisions of the preceding section both the person by whose permission or authority such rum was sold, delivered or removed, as well as the person to whom such rum was sold and delivered shall respectively be liable to a penalty not exceeding fifty pounds and not less than ten pounds, and to have such rum seized and sold for the benefit of the general revenue.

Period for which permit valid.

44. No permit shall be deemed a valid and subsisting permit before or after the expiration of the time for which such permit shall have been issued.

Length of time for which permit is valid how calculated.

45. The length of time during which a permit is valid and subsisting is to be calculated at the rate of half an hour for every mile in distance from the distillery or rum store at which the rum was permitted that the purchaser resides; provided always that under special circumstances the revenue officer may either give a longer period than at the rate of half an hour for every mile as aforesaid, or after the expiration of the time originally given, may extend the period during which the permit is to be deemed a valid and subsisting permit.

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46. Every permit and label shall have written upon the face of it, the hour at which it was issued and the length of time during which it is to be deemed a valid and subsisting permit and label, and the hour at which the rum must leave the distillery.

Permit, and label. to express hour of issue, duration, and when rum to leave distillery.

47. Every person conveying or removing rum from any place whatsoever shall on demand being made to him by the Colonial Treasurer, any revenue officer, any officer of the customs, any police officer, constable, or Justice of the peace, permit the person making such demand to examine and ascertain whether the quantity calculated in proof gallons of the rum being conveyed or removed exceeds thirty proof gallons, and shall on demand produce to any person, whether of the classes of the persons aforesaid or not, the permit authorising the conveyance or removal of such rum.

Rum intransit may be stopped and examined, and the permit demanded.

48. Every person who fails to comply with the requirements of the last preceding section of this Act shall be liable to a penalty not exceeding fifty pounds, and not less than ten pounds, and in addition to such penalty shall be liable to have the rum so being conveyed or removed seized and sold for the benefit of the general revenue.

Penalty for non-compliance with last preceding section.

49. No rum shall be permitted to any person or in the name of any person, except the bona fide purchaser thereof, under a penalty of twenty five pounds to be imposed on the owner of the still.

Penalty for permitting rum to other than bona fide purchaser.

50. Any person who shall purchase or receive into his possession any rum permitted to another person or in the name of another person shall be liable to a penalty of twenty five pounds, and such rum may

Penalty on person purchasing or removing rum permitted to another.

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be seized and sold for the benefit of the general revenue.

Penalties for illegal removal.

Penalty for removing or permitting the removal of rum otherwise than according to sec. 40.

51. Every owner of a still who removes or permits the removal of any rum from his rum store otherwise than in accordance with the provisions of section forty of this Act shall be liable to a penalty of one hundred pounds in addition to a penalty equal to the duty payable on the rum so removed, and shall forfeit the license granted in respect of the still of which he is owner, and the said still shall not be licensed for a period of twelve months from the date on which such license shall have been forfeited.

Subsequent offence

52. Every owner of a still who, after having been convicted under the provisions of the preceding section, shall be guilty of a subsequent offence under the preceding section shall be guilty of a misdemeanour, and being convicted thereof, shall be liable at the direction of the Court to be imprisoned for any term not exceeding two years, with or without hard labour, and shall forfeit the license granted in respect of the still, and shall for a period of seven years from the date of such last mentioned conviction be disqualified from being a distiller of rum, or being the owner of a still.

After disqualification, penalty for being a distiller, or owner of a still.

53. Any person who shall be disqualified as is mentioned in the preceding section shall be liable to a penalty of ten pounds for every period of ten days during the period of such disqualification that he is either a distiller of rum, or the owner of a still.

Upon subsequent conviction under sec. 52 still how dispensed of.

54. Upon every subsequent conviction mentioned in section fifty two the still of which the convicted person was owner

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shall be confiscated, and shall be dug out and sold at public auction for the benefit of the general revenue.

55. Upon every subsequent conviction mentioned in section fifty two, the buildings or premises which had been used as a distillery shall not be so used for a period of seven years, from the date of such subsequent conviction under a penalty of twenty pounds for every period of ten days that it shall be used as a distillery.

Buildings not to be used for a certain period, after subsequent conviction, under a penalty.

56. If any person who shall have been convicted under "The Rum Duty Act, 1871," of having removed or permitted the removal of rum contrary to the provisions of that Act shall be guilty of an offence against the provisions of section forty of this Act, such offence shall be deemed to be a subsequent offence within the meaning of section fifty two of this Act, and shall entail the penalties mentioned in sections fifty-two, fifty-three, fifty-four, and fifty-five of this Act.

Offence against sec. 40 after conviction under "The Rum Duty Act 1871" deemed a subsequent offence: penalties entailed.

57. All carts and vehicles of any description, and all animals thereto attached and drawing the same, and all boats of any description belonging respectively to the owner of the still and the purchaser of the rum in which respectively rum shall be removed or conveyed contrary to the provisions of this Act, shall be seized and sold at public auction for the benefit of the general revenue.

Carts, &c., conveying contrary to Act shall be seized, &c.

58. When any rum is seized while it is being removed or conveyed along any place either public or private, the vehicle or boat in which it is being removed or conveyed shall upon the request of the person seizing be driven or taken to the nearest police station or as near thereto as practicable

Penalty for refusing to take rum seized to nearest police station.

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by the person or persons in charge ; and if the person or persons in charge shall refuse to drive or take such vehicle or boat to the nearest police station or as near thereto as practicable he shall be liable to a penalty of ten pounds.

Penalty for failing to make report according to sec. 40.

59. Every owner of a still who fails to make such written report as is mentioned in the proviso in section forty of this Act within the time prescribed by the said proviso shall be liable to a penalty of ten pounds in addition to a penalty equal to the duty payable on the rum so removed as therein mentioned.

Penalties for receiving rum illegally removed.

Penalty on person receiving rum removed contrary to sec. 40, knowing the same to have been so removed.

60. If any person shall by himself or by another person acting on his behalf receive into his possession any rum that shall have been removed contrary to the provisions of section forty of this Act, well knowing the same to have been so removed, he shall on conviction be liable to a penalty of one hundred pounds and all duties payable in respect of such rum ; and shall, if he is a licensed retailer of liquors forfeit his license and shall be disqualified from being a licensed retailer of liquors for a period of one year from the date of such conviction and shall not carry on any business in the same premises in which the business of retailing liquors has been carried on under a penalty of twenty pounds for every period of ten days during which he shall carry on his business on such premises.

Penalty on person retailing liquor after being disqualified as in preceding section.

61. If any person who may be disqualified as in the preceding section is mentioned shall carry on the business of re-

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tailoring liquors either solely or jointly in his own name or in the name of any other person or persons he shall be liable to a penalty of twenty pounds for every ten days during the period of such disqualification as aforesaid that he shall carry on the business of a retailer of liquors.

Aiders and abettors.

62. Every person who shall aid, abet, counsel, or procure the commission of any offence against the provisions of sections forty and fifty one of this Act, shall be liable to be proceeded against and convicted for the same either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same forfeiture and punishment to which such principal offender, shall be by law liable, and may be proceeded against and convicted either in the parish in which such principal offender may be convicted or in that in which such offence of aiding, abetting, counselling, or procuring may have been committed.

Persons aiding, &c.
how dealt with.

Stock books.

63. Every owner of a licensed still shall when and so often as is necessary obtain from the proper officer the following stock books, (that is to say);

Owner of still to
obtain stock-books
according to Forms
in schedule.

- a book having a printed heading and divisions on each page as in the form marked D in the schedule to this Act; which book is hereinafter referred to as a distillery book;

- and a book having a printed heading and divisions on each page as in

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the form marked E in the schedule to this Act ; which book is hereinafter referred to as a rum store book.

Penalty daily for being without a distillery, and a rum store book.

64. Every owner of a licensed still who omits to obtain a distillery book or a rum store book from the proper officer when and so often as is necessary shall for each and every day during which he is without a distillery book or without a rum store book be liable to a penalty of five pounds.

Daily record of distillation and wash.

Owner of still to keep daily record of vats of wash and the quantity of rum distilled.

65. Every owner of a licensed still shall at not later than six o'clock in the afternoon of each day record in his distillery book the number of vats of wash in his distillery at that time, and the quantity and density of the wash in each vat ; and also the quantity, calculated in proof gallons, of rum distilled in his still during that day.

Vats to be marked alphabetically.

66. All vats used to contain wash shall be marked with letters of the alphabet, the first being marked with the letter A, and so on in succession.

Owner to record daily mark of vats with wash, &c.

67. Every owner of a licensed still shall each day before placing anything in his still record in his wash book the marks of the vats containing wash and the quantity and density of the wash in each vat.

Owner to record daily quantity and density of wash before distillation, and

Penalty for retailing liquor being disqualifying in preceding

68. Every owner of a licensed still shall each day record in his wash book the quantity and density of the wash placed in his still before each distillation during that day and the quantity of rum calculated in proof gallons obtained from each distillation.

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69. Every owner of a licensed still shall record at not later than six o'clock in the afternoon of each day in his rum store book the quantity (if any), calculated in proof gallons, of rum placed in his rum store during that day, and shall also record therein what quantity (if any), calculated, in proof gallons, of the rum placed in his rum store during that day was re-distilled rum.

Owner to record daily rum placed in store, and also quantity redistilled.

70. Every owner of a licensed still shall every day, in token of their correctness sign the entries that day made in his distillery book and in his rum store book and he shall not erase any entries which may have been inaccurately made therein, but shall, if and when he corrects the same, draw a line through them without rendering them illegible.

Owner to sign entries in distillery and rum store books, and no erasures made.

71. Every owner of a licensed still who shall fail to make in his distillery book or in his rum store book any such entry as he is by this Act required to make, or shall make any false entry in, or erase any incorrect entry in or remove any leaf from either of the said books shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for a period not exceeding three months.

Penalty for not making entry, for false entry, erasure, &c.

Duty on rum.

72. On every proof gallon of rum distilled in this Island there shall be paid to the Colonial Treasurer for the benefit of the general revenue a duty of one shilling and sixpence.

Duty of 1/6 per gallon.

Security for payment of duty.

73. Within ten days after the passing of this Act every owner of a licensed still shall enter together with two sureties

Bond for payment of duties.

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to be approved of by the Colonial Treasurer into a joint and several bond in a penal sum of five hundred pounds to Her Majesty the Queen, her heirs and successors, to be conditioned for the due payment of all duties imposed on the rum distilled by such owner. And such bond shall be deposited with the Colonial Treasurer, and on breach of the condition thereof shall be put in suit at his instance by the Queen's Solicitor.

Revenue officer to report to Treasurer when owner should find new sureties.

Treasurer may cancel bond and call for new one.

Owner neglecting, &c., to enter into bond, liable to penalty, &c., for distilling without license.

74. The proper revenue officer shall as often as may be necessary, report to the Colonial Treasurer that owing to certain causes the owner of a licensed still should be called upon to find new sureties; and the Colonial Treasurer upon receiving such report shall, if he thinks fit, cancel the existing bond, and call upon the owner of the still to enter into a new bond with other sureties within a specified time.

75. If the owner of any still shall neglect or refuse to enter into such bond together with such sureties as is provided by the two last preceding sections, he shall be liable to have his license suspended by the Colonial Treasurer who is hereby authorized to suspend the same until such bond is entered into, and if such owner shall during the period of such suspension distil any rum he shall be liable to the penalties and forfeitures imposed on the offence of distilling rum without a license.

Payment of duty.

Revenue officer to make monthly return of rum permitted by him and amount of duty to be paid.

76. The revenue officer of each district shall, between the tenth and fifteenth day of both inclusive, of the month of February one thousand eight hundred and eighty six,

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and between the tenth and fifteenth days, both inclusive, of every month thereafter make a return to the Colonial Treasurer of the quantity of rum permitted by him from each distillery of his district during the previous month, and the amount of duty to be paid thereon, and the owner of any still who shall have sold any rum during the month of January one thousand eight hundred and eighty six and during every month thereafter, shall between the sixteenth and twentieth days, both inclusive, of the month of February one thousand eight hundred and eighty six and between the sixteenth and twentieth days, both inclusive, of every month thereafter take or forward to the Colonial Treasurer the certificates of sale of rum made from his distillery during the preceding month, and shall deliver the same to the Colonial Treasurer, and shall pay to him the duties described therein as payable in respect of such rum, and upon such delivery and payment the Colonial Treasurer shall give to the owner of such still a receipt for the duties so paid by him as nearly as possible in the form marked F in the schedule to this Act, which shall be an acquittance to the owner of any still or distillery for the duties chargeable on the number of gallons of rum mentioned therein. Provided always that if any person liable to pay any duties imposed by this Act shall refuse or neglect to pay the same to the said Treasurer at or within the time in that behalf appointed, the owner of the distillery producing such rum and such distillery shall be charged with and shall pay double duty on the quantity of rum which shall be returned as subject to duty.

Owner, of still, selling rum to forward to Treasurer certificate of sale from distillery and pay duties,

Upon such delivery and payment Treasurer to give receipt according to Form.

Proviso.

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Drawback of duty.

Drawback on rum exported.

77. On the exportation of any rum distilled in this Island, a drawback of the duty paid thereon shall be allowed to the person exporting the same, under and in accordance with the provision of section seventy seven of "The Trade Act, 1878;" provided that no such drawback shall be paid unless and until the duty on the rum exported has been paid into the Treasury.

Proviso.

Duties of owners of stills to officers.

Owners shall permit Officer to enter at any time to search, &c.

78. Every owner of a still shall permit any officer, at any time, night or day to enter any part of his distillery, rum store, or premises, and to search for, examine, or gauge, any still or vessel or utensil therein, and to test any spirits or materials for the manufacture of spirits therein.

Owner shall provide officer with ladders, lights, &c., to perform any duty required by this Act,

79. Every owner of a still shall, on demand by an officer made on the premises provide such officer with any ladders, lights, vessels, instrument, chairs and tables and an inch rod graduated up to sixty inches and materials and with any aid, required by him to enable him to perform any duty required of him by this Act.

Owner shall permit officer to inspect stock book, &c.

80. Every owner of a still shall permit any officer at any time to inspect his stock books, and make any entry therein or extract therefrom.

Penalty for non-compliance with three last preceding sections.

81. Every owner of a still who is convicted of an offence against either of the three last preceding sections of this Act, shall be liable to a penalty not exceeding one hundred pounds and not less than twenty pounds, and shall forfeit the license (if any) held by him.

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Obstructing revenue officer.

82. Every person (whether being or not being the owner of a still,) who, in any way obstructs, hinders, or molests any officer in the execution of his duty, or any person acting in the aid of such officer, shall be liable to a penalty not exceeding one hundred pounds, and not less than twenty pounds, or to imprisonment with or without hard labor for any period not exceeding six months.

Penalty for obstructing, &c., officer in execution of duty.

Inland Revenue Department.

83. The inland revenue department of the public service shall consist of the following officers who shall respectively be paid the several salaries hereinafter specified, that is to say ;

Number and salaries of Inland Revenue officers.

Five inland revenue officers, each of whom shall be paid a salary of one hundred and sixty pounds per annum.

84. The several salaries mentioned in the last preceding section of this Act shall be paid on the warrant of the Governor-in-Executive Committee by equal monthly instalments from the public treasury ; provided always that no monthly instalments shall in any month be paid to any officer unless and until he produces to the Colonial Treasurer such receipt as is mentioned in section one hundred and ten of this Act.

Salaries how paid.

Proviso.

85. The Governor-in-Executive Committee shall have power, if the number of working stills in any district at any time shall be less than four in number to remove the revenue officer of such district and assign to him such other duties in the Inland Revenue Department as the Governor-in-Executive Committee shall think fit and

Governor-in-Executive Committee may remove revenue officer of a district and assign to him other duties in the Department.

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Remuneration
when placed in charge
of additional stills.

Proviso.

Governor to ap-
point Inland revenue
officers, and no person
to be appointed unless
he passes an exami-
nation.

Inland Revenue
Officers to give bonds.

assign the duties of that officer to the revenue officers of the adjoining districts in such proportions as the Governor-in-Executive Committee shall think fit ; and such revenue officers shall receive a sum not exceeding ten pounds per annum in respect of each still placed under his supervision in addition to the stills in his own district ; provided always that two or more stills at work at one plantation or place shall for the purpose of this section be considered as one still.

Examination and appointment of officers.

86. The several officers of the inland revenue department shall be appointed by the Governor ; and no person shall be appointed an officer of the inland revenue department unless and until his theoretical and practical knowledge of the method of gauging vessels, of the different methods of testing the strength of rum, of the use of the hydrometer, and of the duties of the office to which he desires to be appointed, and such other subjects as the Governor-in-Executive Committee may direct, has been proved by his passing an examination in those subjects.

Officers bond.

87. The several officers of the inland revenue department shall each of them on being appointed enter together with two sureties to be approved of by the Governor-in-Executive Committee into a joint and several bond to her Majesty the Queen, her heirs and successors in a penal sum of three hundred pounds, such bonds being conditioned for the faithful, honest and due performance by the officer entering into the same of the duties of his office under this and

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every other Act relating to such office ; such bonds shall be deposited with the Colonial Treasurer and on breach of the condition thereof shall be put in suit at his instance by the Queen's Solicitor.

Incapacity to serve as a legislator or juror.

88. No officer of the inland revenue department shall be liable to be called on to serve as a juror or shall be eligible to be elected as a member of the legislature.

Inland Revenue Officer not to be a Juror, or member of the Legislature.

Limits of districts.

89. The island shall be divided into the five inland revenue districts hereinafter described, that is to say ;

Island to be divided into 6 districts.

District " A " which shall comprise within it the City of Bridgetown, and the district comprised within half a mile of the limits of the City of Bridgetown.

District " B " which shall comprise within it the parishes of Christ Church and of Saint George, and the eastern part of the parish of Saint Michael.

District " C " which shall comprise within it the parishes of Saint John and of Saint Philip.

District " D " which shall comprise within it the parishes of Saint Thomas, of Saint James, and of Saint Joseph, and the western part of the parish of Saint Michael.

District " E " which shall comprise within it the parishes of Saint Lucy, of Saint Peter, and of Saint Andrew, provided always that if a still happens to be in more than one district, the Governor-in-Executive Committee may allot it to one or other of them.

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The revenue officer for districts "D" and "E" shall each receive an additional salary of ten pounds for each still in the parishes of Saint Joseph and Saint Andrew respectively.

Governor-in-Executive Committee to define limits of Eastern and Western district of Saint Michael and may alter same.

90. It shall be lawful for the Governor-in-Executive Committee to define what are the limits of the eastern and western parts of the parish of Saint Michael mentioned in the last preceding section of this Act, and from time to time to alter such limits or to alter the extent of, or assign new limits to any of the districts mentioned in the said section.

The five Inland Revenue Officers assigned to the districts mentioned.

91. The several districts mentioned in section eighty six of this Act shall be severally assigned to the five inland revenue officers mentioned in section eighty of this Act, and every officer shall be the inland revenue officer of the district so assigned to him as aforesaid and shall perform all the duties of such officer within that district.

Residence of officers.

Every officer to reside in his district.
Proviso.

92. Every officer shall reside within the limits of his district; provided always that it shall be lawful for the Governor-in-Executive Committee to give permission to any person who holds an acting appointment as officer to reside out of his district for any period not exceeding three months.

Several Revenue Officers to change places half yearly.

93. The Governor-in-Executive Committee shall once at least in every period of six months call upon and require the several revenue officers to change places so that no revenue officer shall be in charge of any one district for more than six months in any period of two years and six months.

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OFFICERS' DUTIES.

To verify registration, &c.

94. Every officer shall after his appointment as officer, obtain without delay from the Colonial Treasurer (who is hereby required to give the same) a copy of the particulars of every registered still in his district, and also a list of the licensed stills in his district, and shall thereupon as expeditiously as possible visit and carefully examine and inspect each still so registered, and shall ascertain by gauging or other measurement whether the registered particulars of such still are correct, and whenever it happens that any of the particulars given to the Colonial Treasurer at the time of the registration of such still by the owner thereof are found by the proper officer to be inaccurate, he shall at once report the fact to the Colonial Treasurer.

Officer on appointment to obtain a copy of the particulars of every registered still and visit and inspect same, &c.

95. Every officer shall ascertain whether all stills in his district have been duly registered and whether a license has been duly obtained for every still in his district for which under the provisions of this Act a license is required, and whether every owner of a still in his district has, as is required by this Act, set up a proper sign board on his premises, and obtained the stock books which he is by this Act required to keep.

Officer to ascertain whether all stills be duly registered, and other particulars.

To pay surprise visits.

96. Every officer shall without giving any previous intimation or notice of his intended visit, visit and inspect each distillery in his district, twice a week at the least during the time that rum is being distilled therein, and as frequently as he shall consider necessary

Officer to pay surprise visits while rum is being distilled and check rum made.

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Entry when visit made.

Officer on visiting shall examine distillery book, and examine and test the rum.

afterwards, so as to check the quantity and proof of the rum made at such distillery. And he shall enter in the distillery book and rum store book of each distillery a memorandum of the hour, day of the week and month, and the year when each such visit is made.

97. Every officer shall on making such visit of inspection as is mentioned in the last preceding section of this Act, examine the entries made by the owner of such distillery in his distillery book and in his rum store book from the date of the last visit of inspection, and shall also measure and test the rum which is deposited in the rum store so as to ascertain the quantity calculated in proof gallons of rum on hand at that time.

Penalty for incorrect entries.

Penalty for incorrect entries, with intent to defraud.

98. If on any visit of inspection any officer discovers that the entries made by the owner of the still in his distillery book or in his rum store book are incorrect the owner shall, if there is any intention to defraud, be liable to a penalty not exceeding fifty pounds.

Penalty where owner fails to account for rum appearing to officer to have been made.

99. If on any visit of inspection it appears to any officer that any rum has been made but has not been duly accounted for, the owner of the still shall, if he fails to account for the same, be liable to a penalty not exceeding one hundred pounds, and the duty of such rum not accounted for.

Penalty for not accounting for wash.

100. Every owner of a still who shall fail to duly account for any wash shall be liable, if there is any intention to defraud, to a penalty not exceeding fifty pounds.

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Permitting and delivery of rum.

101. Every officer shall within twenty four hours after receiving from the owner of any still in his district a written notice of his desire to remove any rum from his store (which notice such owner is hereby required to give not less than twenty four hours prior to the removal of such rum) repair to such still and deliver any rum the removal of which from the rum store is desired. And previously to any such delivery the officer shall gauge such rum and test its strength, and shall write on an adhesive label in the form marked G in the schedule to this Act the number of the cask containing the rum (the casks delivered in each year being numbered from number one consecutively upwards) the quantity calculated in proof gallons of rum contained in such casks, and also the year, month, day and hour of such delivery, and shall paste such label upon one of the heads of such casks, and shall stamper such label with a stamp to be provided for that purpose.

Where removal of rum is desired, officer to deliver same within 24 hours after notice.

Officer to gauge and test rum, and place label on cask.

102. Any officer neglecting or refusing to comply with the provisions of the last preceding section shall be liable to a penalty not exceeding fifty pounds.

Penalty for non-compliance with last preceding section.

103. Every officer shall on delivering rum from any rum store in accordance with the provisions of section one hundred and one of this Act make an entry in the rum store book of the removal of such rum, and shall give to the owner of the still a permit in accordance with the form marked C in the schedule to this Act, numbered from number one consecutively upwards in each year.

Officer to make entry in book, and deliver permit to owner.

LAWS OF BARBADOS.

Officer to remain,
until rum removed.

Officer to make 2
copies of permit, to
keep 1, and hand the
other to Treasurer
with his return.

Officer, when neces-
sary and on request
to give owner the
stock books, &c.

Officer to obtain
from Treasurer, when
necessary, stock
books, forms of per-
mits &c.

Officer to keep du-
plicate books.

Distillery book and
rum store book to be
examined and balanc-
ed monthly.

104. Every officer shall on delivering any rum from a rum store, remain on the premises until such rum is removed therefrom.

105. Every officer shall on delivering any rum from a rum store, make two copies of the permit given by him under the provision, of section one hundred and three of this Act and one of such copies he shall retain for his own information, and the other he shall take together with his general monthly return, to the Colonial Treasurer.

To furnish owner of stills with stock books.

106. Every officer shall when and so often as is necessary, and on the request of the owner of any still in his district, give such owner the stock books which he is by this Act required to obtain and keep.

107. Every officer shall, when and so often as is necessary obtain from the Colonial Treasurer (who is hereby required to furnish the same) all stock books and forms of permits and returns required by him for the purpose of fulfilling his duties under this Act.

To keep stock books.

108. Every officer shall keep a duplicate distillery book and rum store book for each still in his district.

To examine owner's stock books.

109. Every officer shall examine the distillery book and rum store book of each still in his district at the end of each month, and shall balance the same to the end of such month so as to enable him to make such returns as he is hereinafter required to make.

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General monthly return.

110. Every officer shall within the first fifteen days of every month make out a general monthly return for the distilleries in his district in accordance with the form marked H in the schedule to this Act.

Every officer to make out monthly return, in accordance with Form.

111. Every officer in the return required by the last preceding section of this Act, shall, in addition to the particulars mentioned in the said section, also state the dates and particulars of the visits of inspection paid by him to the distillery for which the return is made during the period covered by such return, and the particulars of all variances discovered during such period between the stock of rum actually on hand at such distillery and the stock of rum appearing from the rum store book of such distillery to be on hand.

Officer, in his return, to furnish certain other additional particulars.

112. Every officer shall on completing such returns as are mentioned in the two preceding sections of this Act, ascertain by actual examination of the stock of rum on hand at each distillery that the quantity calculated in proof gallons of rum actually on hand at such distillery at the end of the month for which the return is made is the same as the quantity calculated in proof gallons of rum appearing from such return to be on hand at the said date. And where ever it happens that before an officer is able to check the stock of rum on hand at a distillery at the end of a month, the same is added to by subsequent distillation, the officer subsequently checking such stock shall deduct from the stock of rum on hand at the time of his checking the same, all the rum added to such stock after the end of the month for which the return is made.

Officer on completing returns, to verify same by actual examination of the stock of rum on hand at each distillery &c.

LAWS OF BARBADOS.

Copies of permits to be made up in separate parcels, and officer shall take monthly return to Treasurer and fill up and sign declaration.

113. Every officer shall on making the general monthly return of the distilleries in his district make up in separate parcels the copies in his possession of the permits of rum removed from the rum store connected with each distillery ; and shall take the general monthly return of his district to the Colonial Treasurer and shall fill up and sign before him the declaration printed at the foot of the said returns, and shall obtain from him a written receipt for the said return.

Allowance for leakage, &c.

Officer may make allowance for leakage &c.

114. The proper revenue officer may in his discretion make allowance to any owner of a still for leakage, soakage, evaporation or other allowed cause.

To prosecute offences.

Officer to institute proceedings for breach of Act.

115. Every officer shall, whenever any breach of or omission to comply with any of the provisions of this Act is discovered in his district, without delay institute proceedings against the offender and prosecute the same to the end thereof.

Recovery and disposition of penalties.

Penalties how recovered and disposed of.

116. Every penalty under this Act shall be recovered in a summary manner before a Police Magistrate in accordance with the provisions of "The Justice of the Peace Procedure Act," and one third of the fine shall be paid to the person or persons on whose information the offender was convicted, and one half of the remainder, after deducting all expenses reasonably connected with the prosecution of the offender shall be paid to the officer who detains or seizes any rum that is being dealt with contrary to the provisions of this Act, and the remainder shall

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be paid into the public treasury for the benefit of the general revenue.

Legal process to be issued free of cost.

117. The Police Magistrate shall issue all summonses, writs, warrants or other necessary legal processes required by the inland revenue officer in performing the duties imposed on them by this Act free of all costs or charge to such officers, and costs shall not be imposed on such officers in any case in which any complaint brought by him is dismissed unless the court is satisfied that the said complaint was frivolous and vexatious. And in order to guard the public interest in carrying out the provisions of this Act, legal assistance shall be afforded to any prosecutor at the public expense whenever the same shall be considered necessary by the Colonial Treasurer.

Police Magistrates to issue all process free of costs &c.

Legal assistance to prosecutor.

Limitation of prosecution.

118. All proceedings for the prosecution of offences and the recovery of penalties under this Act shall be commenced within one year after the offence has been committed and the liability to the penalty incurred.

Proceedings to be commenced within one year.

Remission of penalties.

119. It shall be lawful for the Governor-in-Executive Committee to remit or to order repayment of the whole or any part of any penalty incurred under the provisions of this Act; provided always that no application for the remission of any pecuniary penalty shall be entertained by the Governor-in-Executive Committee unless and until the sum payable as such penalty has been deposited in the public treasury, and provided always

Governor-in-Executive Committee may remit penalties.

Proviso.

LAWS OF BARBADOS.

that the portion of the penalty payable to any informer may not be remitted but shall be paid to such informer.

Forgery of documents.

Counterfeiting, uttering, or giving with guilty knowledge, any document required by this Act declared to be a felony

120. Every person who counterfeits or forges, or causes or procure to be counterfeited or forged, or assists in counterfeiting or forging the whole or any part of any permit, or other document required by this Act to be given by the Colonial Treasurer or any officer or by any Customs officer or any other person required to give the same, or counterfeits any impression, mark, or stamp provided or appointed by the Colonial Treasurer to put on such permit, certificate or other document, or who utters, gives, or makes use of any such counterfeited or forged permit, or other documents, knowing the same or any part thereof to be so counterfeited or forged, or with any such impression knowing the same to be counterfeited or forged, and every person who knowingly or wilfully accepts or receives any counterfeited or forged permit, or other document with such counterfeited impression mark or stamp knowing it to be counterfeited, shall be guilty of felony and shall on conviction thereof be liable at the discretion of the court to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years with or without hard labour.

Punishment.

Person falsely swearing, &c., to evade payment of duty, guilty of perjury.

False declarations.

121. Any person who falsely swears affirms or declares to any particulars in any return or document required by this Act, or makes a false or untrue statement, declaration, or

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return with a view to evade payment of any duties on rum or any of the provisions of this Act, shall be guilty of perjury and punished accordingly; and further, shall be liable to a penalty equal to double the amount of any duty so evaded or sought to be evaded.

Further liable to a penalty.

Where penalty not provided for.

122. Every person violating any of the provisions of this Act for the violation of which no penalty is herein expressly provided, shall on conviction thereof be liable for every such offence to a penalty not exceeding fifty pounds,

Penalty for violating provisions for which no special penalty provided.

COLONIAL TREASURER'S DUTIES.

Blank Forms.

123. The Colonial Treasurer shall have blank forms printed of certificates of the registration of stills, of licenses of stills, of permits for the removal of rum, of receipts for the payment of duty upon rum, of distillery books, of rum store books, of monthly and other returns, and of all other books, documents and papers required in carrying out the provisions of this Act, and shall procure for the use of the Inland Revenue Department a sufficient number of Sykes' hydrometers together with all such other instruments and apparatus as may be needed for gauging the capacity of stills and vessels for holding liquids, and for ascertaining the proof of rum and density of wash.

Treasurer to provide books and apparatus for carrying out the provisions of the Act.

To keep a record of operations of distilleries and payment of duties.

124. The Colonial Treasurer shall make, in books to be kept by him for that purpose, entries under the head of each district of

Treasurer to make entries of rum made in each year, of the duty received, and

LAWS OF BARBADOS.

quantity on which drawback has been had.

the quantity, calculated in proof gallons, of rum made in each year at each distillery in that district, of the sums received by him in each year in payment of the duty on such rum, and of the quantity calculated in proof gallons of such rum on which a drawback of duty has been obtained.

To make quarterly reports.

Treasurer to make quarterly returns, to Governor, for transmission to the Legislature.

125. The Colonial Treasurer shall, without delay at the end of each quarter make up and deliver to the Governor for transmission to the Council and the Assembly a statement in duplicate, showing on the one hand the quantity, calculated in proof gallons, of rum on hand at each rum store in each district at the beginning of the quarter for which such report is made, and the quantity, calculated in proof gallons, of rum made at each distillery in each district subsequently during such quarter; and on the other hand, the quantity, calculated in proof gallons, of rum removed from each rum store in each district during such quarter, and the quantity, calculated in proof gallons, of rum remaining on hand at each rum store in each district at the end of such quarter; and also showing the amount received by him during such quarter in payment of rum duty, and the amount paid by him during such quarter as drawback on rum exported from the Island.

Purchaser to account for rum purchased.

Persons receiving or purchasing rum to give an account thereof, and penalty for refusing to give a satisfactory account of disposal of same.

126. Any person who receives or purchases rum from any distillery, rum store, or other place in which the owner of a distillery may keep the rum distilled shall upon being required to do so, give an account of the rum so received or purchased, and if the

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revenue officer shall not be satisfied with such account he shall lodge a complaint before the Police Magistrate against such person for having received or purchased rum, of the disposal of which a satisfactory account was not given, and if on the hearing of such complaint the said person shall refuse or fail to give a satisfactory account of the disposal of the rum received or purchased, the Police Magistrate shall impose a fine on such person not exceeding ~~ten~~ pounds.

Purchaser to return permit.

127. Every purchaser of any rum sold with and under a permit shall immediately on the receipt of such rum send such permit through the post free of charge to the revenue officer of the district. Whoever infringes the provisions of this section shall be liable to a penalty not exceeding twenty five pounds.

Purchaser of rum to send permit to revenue officer.

Penalty for non-compliance.

128. The purchaser of rum from any distillery, rum store, or other place in which the owner of the still may keep the rum stored shall under a penalty of twenty five pounds, on the receipt of the rum purchased destroy and deface the label pasted on the package containing the rum so purchased.

On receipt of rum, purchaser shall under a penalty deface label

129. Every person conveying a cask from which the label has not been removed or defaced in accordance with the last preceding section of this Act shall be liable to a penalty not exceeding five pounds ; Provided always that this section shall only apply to persons having a guilty knowledge that the provisions of this section are being infringed.

Penalty for conveying cask, with label not defaced.

Proviso.

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Penalty for allowing cask to be removed where label not defaced.

130. The owner or occupier of any building whatsoever who allows or permits the removal from his premises of any cask the label of which has not been removed or defaced in accordance with section one hundred and twenty eight of this Act shall be liable to a penalty not exceeding twenty pounds, and in any prosecution for the offence mentioned in this section it shall be sufficient to prove such ownership or occupancy, as the case may be, and such removal as aforesaid and the burden of proof that such removal was without the knowledge of the defendant shall be upon him.

On whom burden of proof lies.

Rules and regulations.

Governor-in-Executive Committee to make rules to ensure observance of Act.

131. It shall be lawful for the Governor-in-Executive Committee to make such rules and regulations as may be required from time to time to ensure the more complete observance of the true intent and meaning of this Act, and to prevent smuggling, and protect the revenue derived from the duty collected on rum.

Rules &c., to be laid before Legislature.

132. Such rules and regulations shall be laid before the Legislature and shall be formally called attention to by a member of the Executive Committee after notice given.

How Rules &c., to have effect and force of law.

133. If after the expiration of fourteen days from the day on which any such rules and regulations have been laid before the Legislature and after attention has been called to them as aforesaid, no address to the Governor has been passed by either House of the Legislature praying for the rescission or amendment of any such rules and regulations, such rules and regulations shall be published in the Official Gazette, and shall thereupon have the force of law, and not otherwise.

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134. Any person who shall infringe any of the said rules and regulations after they shall have been published in the Official Gazette as aforesaid shall be liable to a penalty not exceeding twenty pounds.

Penalty for infringing rules.

DUTIES OF LICENSED RETAILERS.

135. No licensed retailer of liquors shall open and start the business of a licensed retailer of liquors in any place which has been already used for that purpose if such place is within three hundred yards from the nearest distillery, unless he shall be allowed to do so by a license under the hand of the Governor-in-Executive Committee.

Retailed liquor business not to be started in place already used, if same be within 300 yards of distillery, except as provided.

136. No shop for the retailing of liquors not hitherto used for the purpose shall be opened or started within three hundred yards of the nearest distillery.

No shop, for retailing liquors, not hitherto used shall be within 300 yards of nearest distillery.

137. Any person who shall infringe the provisions of the two last preceding sections of this Act shall be liable to a penalty not exceeding one hundred pounds and shall forfeit his license.

Penalties for infringing two preceding sections.

Informers to be acquitted.

138. On the commission of any offence against this Act, the offender, who, before any information is lodged against him in respect of the offence, first discovers and informs against any other offender, shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all penalties or disqualification to which at the time of giving the information he may be liable by reason of the offence committed by him.

Offender first informing against other offender to be discharged and acquitted all penalties &c.

LAWS OF BARBADOS,

When informer may be awarded

When on conviction
penalty not paid Go-
vernor-in-Executive
Committee may grant
rewards to informers.

139. When on the conviction of any person for an offence against this Act, the pecuniary penalty imposed for the offence is not paid and cannot be levied, or the person incurring the penalty is sent to prison in default of payment, the Governor-in-Executive Committee on the representation of the inland revenue officer of the district in which the offence has been committed may cause such rewards as he may think fit, not exceeding in each case ten pounds to be paid in such shares and proportions to the persons who appear to him to be entitled thereto as informers.

Right of entry and search.

Revenue Officer or
Police Constable, under
warrant, may enter
and search for
unpermitted spirits.

Penalty for refusal
to permit search.

Proviso.

140. It shall be lawful for any revenue officer, or police constable, on being furnished with a warrant under the hand of a police magistrate on a sworn information that the deponent has reasonable and probable cause to believe that unpermitted spirits are concealed on the premises of any person, or on board of any ship to enter and search such premises or ship and if admittance is denied or the premises or ship are unoccupied to enter by force and seize any unpermitted spirit or spirits liable to forfeiture found therein ; and if any person having any such spirits on his premises, or in his ship shall refuse or delay to permit such revenue officer or police constable, after the warrant mentioned above shall have been produced and read, such person shall be liable to a penalty not exceeding fifty pounds ; provided always that any damages occasioned by such forcible entry, shall, if no unpermitted spirit or spirits liable to forfeiture be found

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in such premises or ship, be repaid by the person causing it.

Recognizances on appeal.

141. If any person shall appeal to the Assistant Court of Appeal or from that Court to the Court of Error against a conviction for any offence committed by him against the provisions of this Act, such appeal shall not operate to stay proceedings in relation to the execution or further prosecution of such conviction unless the appellant shall within the period limited by law for making such appeal enter into a recognizance in the form marked I in the schedule to this Act before the Court against whose decision or judgment the appeal is made, with or without a surety or sureties, as such Court may determine, conditioned to appear and try such appeal and to abide the judgment of the Court of Appeal or Court of Error thereon, and to pay such costs as may be awarded by such Court, or the appellant may, if the Court from whose decision or judgment he appeals thinks it expedient, instead of entering into a recognizance, give such other security by a deposit of money with the Clerk of the said Court as that Court may deem sufficient.

Conviction not stayed, by person appealing, until recognizance entered into, or deposit made.

142. Any sum which may become due in pursuance of any recognizance or deposit given or made under the provisions of the last preceding section shall be recovered in a summary manner before a Police Magistrate on complaint of the Clerk of the Court directing such recognizance or deposit to be given or made.

Sum due on recognizance, or deposit how recovered.

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Payment of expenses.

Expenses of carrying out the Act paid from the Treasury.

143. All expenses properly incurred by the Colonial Treasurer in carrying out the provisions of this Act shall be defrayed at the cost of the public treasury.

Recovery of unpaid duty, &c., incurred before the expiration of "The Rum Duty Act, 1871."

Duties, &c., incurred under Rum Duty Act, 1871, may be recovered as if Act had not expired.

144. All unpaid duty, penalties, or fines the liability to which is incurred under and prior to the expiration of "The Rum Duty Act, 1871," shall and may be recovered levied and raised by the means and under the powers therein contained within twelve months after the expiration thereof in as full and complete manner and to all intents and purposes whatsoever as if the said enactment had not expired.

Re-license during the present year not necessary.

145. Nothing in this Act contained shall render it necessary to re-license during the present year any still licensed before the commencement of this Act, if the particulars stated on the registration of such still remain the same as at the time when such still was registered.

Date of operation

146. The Rum Duty Act, 1885, shall come into operation on the first day of January one thousand eight hundred and eighty six.

Duration of Act.

147. This Act shall continue in force until and inclusive of the thirty first day of December one thousand eight hundred and eighty six.

Repeal clause.

148. On this Act coming into operation "The Rum Duty Act, 1871," shall be repealed.

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SCHEDULE A.

A.

*Colonial Treasurer's Counterfoil.***Certificate of Registry.****Certificate of Registry.**

No. **BARRADOS**.....188

I DO HEREBY CERTIFY, that.....

of the Parish of District.....has this day

Registered a Still of the capacity of.....gallons

situated at.....in the above Parish and District.

Colonial Treasurer

No.188 .

Owner of Still.....

Parish.....District.....

Situated at.....

Capacity of Still.....gallons.

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B

Colonial Treasurer's Counterfoil.

STILL LICENSE.

No. 188
 Owner of Still
 No. of Still
 Situated at District
 Received £25—and £
 being 1s per gallon on
 gallons in excess of first 100
 Total Received—£

Treasurer.

SCHEDULE B.

STILL LICENSE—Section 8.

No.

I DO HEREBY CERTIFY that
 of the Registered Still No. _____ situated at
 in the parish of _____ and District _____, having paid
 to me the sum of twenty five pounds, and the further sum of
 pounds shillings, being at the rate of one shilling per
 gallon on the excess of _____ gallons of capacity of the said
 Still beyond one hundred gallons, for which the first named
 sum of twenty five pounds was payable under the provisions
 of section eight of The Rum Duty Act, 1885, is licensed
 to use such Still for the manufacture of Rum until the 31st
 day of December next, inclusive.

£25 0. 0.

£ additional on gallons.

Total £

Treasurer.

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SCHEDULE "D."

Distillery Book of Registered Still No. _____ situated in the parish of _____ District _____			
Contents of Vats before day's work begins.	Quantity of Wash put into Still.		
	Date and hour.		
	From what Vat or Vats taken.		
	Density of Wash taken from each vat.		
Date and hour of the day.	Product of each distillation during the day.		
	No. of gallons of proof Rum.		
	Signature of Owner of Distillery.		
	Signature of Inland Revenue Officer		

DISPOSAL OF RUM.

Date _____

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SCHEDULE F.
No. _____ BARBADOS 188

RECEIVED FROM

Owner of Registered Still No. in the parish of

in District the sum of

.....

being the duty payable in respect of gallons of

proof rum sold from the said Distillery during the month

of 188

£ s. d.

Colonial Treasurer.

£ s. d.

No. _____

Date _____

Registered Still No. _____

District _____

Proof Gallons _____

Month _____ 188

LAWS OF BARBADOS.

SCHEDULE G
—
TABLE.

TO BE DESTROYED BY THE PURCHASER IMMEDIATELY ON THE RECEIPT OF THE RUM PURCHASED UNDER A PENALTY OF £25.

[illegible]

SCHEDULE

No. of Registered Still.	Situated at	In the parish of in District	Owner of Still.	Stock on hand on the day of 188 No. of gls. of proof rum.	Made during the month. No. of gls. of proof rum.	Total Receipts for the month. No. of gls. of proof rum	Quantity of rum in proof gls. delivered from the Rum Store for Domestic use during the mo	No. of gls. of proof rum removed from the Rum Store during the month duty paid.
--------------------------	-------------	------------------------------	-----------------	---	--	--	---	---

I Inland Revenue Officer for District , do solemnly declare
Declared to before me this day of 188 }
..... }
Colonial Treasurer. }

AMOUNT OF DUTY TO BE PAID BY THE OWNERS OF THE REGISTERED

To be paid		Quantity calculated in proof gals. lost by leakage, soak'ge evaporation or other allowed cause during the month.	Total quantity calculated in proof gals. disposed of during the month.	No. of proof gallons on hand in the rum store at the end of month.	Dates and particulars of visits.	Variances discovered
s.	d.					

foregoing return is correct and true.

.....
Inland Revenue Officer for Dist.

1

1

1

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SCHEDULE I.

RECOGNISANCE TO APPEAR, &c.

Complainant }
 Defendant }

Parish of or City of

WHEREAS the undersigned
 principal party to this recognisance hereby
 binds himself to perform the following
 obligation, namely,
 and the said principal party together with
 the undersigned sureties hereby severally
 acknowledge themselves to forfeit to the
 Crown the sums following, namely, the said
 principal party, the sum of
 and the said sureties the sum of each
 in case the said principal party fails to per-
 form the above obligation.

Signed

A. B., Principal party

C. D. }
 E. F. } Sureties.

Taken before me this day
 188 at

Signed.

Justice of said

LAWS OF BARBADOS.

CAP LVI..

(Assented to 30th October 1885.)

BARBADOS.

An Act to amend An Act for the better making and keeping of registers of baptisms, marriages and burials solemnised in the several parishes of this Island—passed on the 10th day of February 1855.

WHEREAS it is expedient to amend the Act entitled, An Act for the better making and keeping of registers of baptisms, marriages and burials solemnised in the several parishes of this Island—passed on the tenth day of February one thousand eight hundred and fifty five—so that there may be a more general registration of baptisms, marriages and burials than that now kept in this Island ; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as, "The Registration of Baptisms, Marriages and Burials Act, 1885."

Registers of baptisms, marriages, and burials to be kept in a prescribed form,

II. Registers of baptisms, marriages and burials solemnised by any religious body, denomination, sect or person authorised by law in this Island, shall be kept in proper bound books, and such books shall be in the form in the schedules A. B. and C. to the said Act of the tenth day of February one thousand eight hundred and fifty five, with the adaptations necessary to the circumstances of each case ; and the entries in the register books in respect of each year, shall be numbered progressively to the end of each year, the first entry to be

Entries in the register books to be made and numbered progressively, and a copy made on duplicate sheets.

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distinguished by the number one ; and a copy of such register, made on duplicate sheets, and corresponding in every particular with the aforesaid bound books, shall between the first and tenth days of February one thousand eight hundred and eighty six, and between the first and tenth days of every succeeding month, be transmitted by each religious body, denomination, sect or person authorised by law to the Colonial Secretary of the Island, to be kept by him as records of his office ; and the proper officiating minister of every such religious body, denomination, sect or person authorised by law (as the case may be) shall certify in writing on such copy of the register that the same is a true and correct register of the baptism, marriage or burial solemnised for the then past month.

III. The Treasurer of the Island shall provide the books and duplicate sheets required to be kept in accordance with the provisions of section two of this Act, from time to time as it may be necessary to do so at the public cost.

IV. The registers shall be bound and indexed and kept in the Colonial Secretary's Office of this Island in like manner as the registers are bound and indexed and kept in accordance with the provisions of the said Act of the tenth day of February one thousand eight hundred and fifty five, and the cost and expenses incidental thereto shall be defrayed and paid in like manner as the cost and expenses for the binding, indexing and keeping of those registers are defrayed and paid under the said Act.

V. If any minister or other person solemnizing any baptism, marriage, or burial, shall fail to forward to the Colonial Secretary the

Copies to be certified and transmitted to Colonial Secretary to be kept as records of his Office.

Treasurer to provide, at public cost, books and duplicate sheets.

Registers to be bound, indexed, and kept in Colonial Secretary's Office.

Penalty for failing to forward duplicate registers.

LAWS OF BARBADOS.

duplicate registers which by section two of this Act he is required to forward to him, between the times in which by that section he is required to forward him the same, he shall for every day immediately following those times respectively during which he makes default in forwarding such duplicate registers, forfeit a sum not exceeding one pound.

Registers kept by Ministers or persons other than Ministers of the Church of England to be forwarded to Colonial Secretary for fair copies to be made for reference and originals returned.

VI. All registers of baptisms, marriages, and burials kept or made by ministers, or persons other than ministers, of the Church of England up to (and inclusive of) the thirty first day of December one thousand eight hundred and eighty five, shall on or before the thirty first day of March one thousand eight hundred and eightysix be forwarded by the person having the custody thereof to the Colonial Secretary's Office ; and the Colonial Secretary shall within six months from the receipt of such registers have fair copies thereof made, and such copies shall be indexed and kept in his office for reference ; and such registers shall then be returned by the Colonial Secretary to the person entitled to receive the same. In default of any minister or other person complying with the provisions of this section to forward to the Colonial Secretary such registers as aforesaid, he shall be liable to pay a penalty not exceeding ten pounds for every month in which he may be in default.

Penalty.

Fee to be paid for certificate of baptism &c.

VII. Any person shall, on payment of a fee of sixpence, be entitled to demand of every rector, curate, minister, or other person in charge of the register book a copy of the register of any baptism, marriage or burial certified under the hand of such rector, curate, minister or other person to be a true

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copy; and any rector, curate, minister or other person as aforesaid who shall refuse to furnish such certified copy within three days after tender of six pence shall be liable to a penalty not exceeding ten pounds; provided always that in case the person demanding such certified copy shall be unable to state to such rector, curate, minister or other person the date of the baptism, marriage or burial, as the case may be, then such rector, curate, minister or other person shall be entitled to demand a fee of six pence for each year of search.

Penalty.

Proviso.

VIII All penalties imposed by this Act may be recovered in a summary manner before any police magistrate, on complaint of any person, and shall be paid into the public treasury for the uses of the Island

Penalties now recovered,

IX. Section five of the Act of the tenth day of February one thousand eight hundred and fifty five, from the words "And the Treasurer of the Island is hereby directed," to the end of the section, is hereby repealed.

Repeal.

X. This Act and the said Act of the tenth day of February one thousand eight hundred and fifty five, shall be read together as one Act; but such provisions of the said Act of the tenth day of February one thousand eight hundred and fifty five as are inconsistent with the provisions of this Act, are hereby repealed.

This Act read with original Act.

XI. The Act of the ninth day of March one thousand eight hundred and twenty six entitled, "An Act for the better regulating the fees of the Rectors, Clerks and Sextons of the several parish churches of this Island," is hereby repealed.

Repeal.

XII. This Act shall not come into operation until the first day of January one thousand eight hundred and eighty six.

Date of operation.

LAWS OF BARBADOS.

CAP. LVII.

(Assented to 30th October 1885.)

BARBADOS.

An Act to amend an Act entitled, "An Act to consolidate and amend the laws for regulating the office of Harbour Master and Mole Head Officer, and to make other provision for regulating the duties of Harbour Master of the Port of Bridgetown."

WHEREAS it is expedient to amend the Act of the first day of August one thousand eight hundred and fifty entitled, An Act to consolidate and amend the laws for regulating the office of Harbour Master and Mole Head Officer, and to make other provisions for regulating the duties of Harbour Master of the Port of Bridgetown (hereinafter called "the principal Act;") Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

Short title.

I. The principal Act may hereafter be cited as "The Harbour Master's Act, 1850," and this Act may be cited as "The Harbour Master's Act, 1850. Amendment Act, 1885."

Hawking or peddling
not allowed on any of
the wharves, quays,
or shipping places of
Bridgetown, or in or
on board any boat or
vessel alongside
thereof.

II. No person shall hawk, peddle or retail any goods, chattels, wares, merchandize or other articles, or exercise the trade or business of a huckster, hawker, or pedlar or retailer on any of the wharves, quays, or shipping places of the City of Bridgetown, or in or on board of any boat or vessel alongside of such wharves, quays, or shipping places.

Penalty.

III. Every person acting contrary to the provisions of the last preceding section shall be subject to a penalty not exceeding fifty shillings to be recovered in a summary manner before any Police Magistrate on the

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complaint of the Harbour Master, or the Superintendent of the Harbour Police, or any officer of the Land Police or Harbour Police, including the Inspector General and Inspector of Police.

IV. Section fifteen of the principal Act is hereby repealed, provided that such repeal shall not affect ;

Repeal clause.

- (a) the past operation of the enactment hereby repealed, nor anything duly done or suffered under such enactment ; nor
- (b) any liability incurred under such enactment ; nor
- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against such enactment ; nor
- (d) any investigation, legal proceeding or remedy in respect of any such liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be carried on as if this Act had not passed.

Not to affect.

V. The principal Act and this Act shall be read and construed together as one Act.

Read with principal Act.

CAP. LVIII.

(Assented to 30th October 1885)

BARBADOS.

An Act to amend the Acts relating to jurors and juries.

WHEREAS it is expedient to amend the Acts relating to jurors and juries ; Be it therefore enacted by the Governor, Council, and Assembly of this

LAWS OF BARBADOS.

Island, and by the authority of the same as follows ;

Short titles.

I. The Act of the eighth day of February one thousand eight hundred and forty five entitled, "An Act to amend the law relating to jurors and juries" may be cited as "The Jury Act 1845;" and the Act of the third day of May one thousand eight hundred and fifty five entitled, "An Act to amend the Act relating to jurors and juries" may be cited as "The Jury Act 1845, Amendment Act, 1855."

This Act may be cited as "The Jury Acts 1845 and 1855, Amendment Act, 1885."

"The Jury Act, 1845," "The Jury Act 1845, Amendment Act, 1855," and this Act may together be cited as "The Jury Acts 1845 to 1885."

Person qualified to be a Member of Assembly or voter under Elective Franchise Extension Act, 1884, [qualified and liable to serve as a juror.

II. Every person who under the provisions of "The Elective Franchise Extension Act, 1884," is qualified to be elected a member of the General Assembly or to be registered as a voter in the election of members to serve in the said Assembly shall be qualified and liable to serve as a juror according to his qualification in all cases where by any Act juries now are or shall hereafter be required to be summoned and empanelled to serve in any of the courts or for any other purpose whatsoever; provided always that notwithstanding the deed or deeds under which any person otherwise entitled to be registered as a voter under "The Elective Franchise Extension Act, 1884," shall not have been proved or recorded, he shall nevertheless be qualified and liable to serve as a juror on all juries as aforesaid, if he shall have been in the possession or receipt of the rents and profits of the property conveyed

Proviso.

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by such deed or deeds for twelve months or upwards ; provided also that nothing herein contained shall be construed to compel or qualify or render liable any person to serve as a juror on any jury who by any statute remaining unrepealed on the passing of and exclusive of this Act, would be exempt or be disqualified from serving as a juror on any jury as aforesaid.

Proviso.

III. The enactments described in the schedule to this Act are hereby repealed to the extent in the said schedule mentioned, provided that this repeal shall not affect

Repeals.

(a.) the past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactments hereby repealed ; nor

Not to affect.

(b.) any right, privilege, obligation or liability acquired, accrued, or incurred under any enactment hereby repealed ; nor

(c.) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; nor

d.) any investigation, legal proceeding, or remedy, in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding and remedy may be carried on as if this Act had not passed.

IV. This Act and "The Jury Act, 1845," and "The Jury Act, 1845, Amendment Act, 1855," shall be read and construed together as one Act.

This Act read with other Acts.

LAWS OF BARBADOS.

THE SCHEDULE.

Date of Act	Title of Act.	Extent of repeal
1840 June 6th.....	An Act to amend the representation of the people of this Island, and to declare who shall be liable to serve on juries...	Section forty nine
1845 February 8th....	An Act to amend the law relating to jurors and juries.....	Section one ; section two from its commencement up to (and inclusive of) the word "and" in line twenty five and the words "as aforesaid" in line thirty ; and section fourteen from the word "under" in line two to (and inclusive of) the word "juries" in line four. Section eleven.
1880 May 3rd.....	An Act to amend the Act relating to jurors and juries	

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CAP. LIX.

(Assented to 5th November 1885.)

BARBADOS.

An Act for promoting the trade relations of Barbados with Great Britain and the United States of America by a reciprocal tariff between the two countries.

WHEREAS there has been for some time past, owing mainly to the introduction into Great Britain of bounty fed beet root sugar from the Continent of Europe, a severe depression in the sugar industry of the West Indies, and such depression if it continues must be attended with fatal results to the cultivation of the sugar cane in this Island; And Whereas repeated efforts have been made in this Island to obtain some relief, and finally a deputation of proprietors and others interested in West India property waited on the Secretary of State for the Colonies some time last year, and laid before him their grievances, representing that in consequence of the competition with bounty fed sugar and from other causes, the cultivation of cane sugar in the West Indies was threatened with extinction, and all persons dependent on it with ruin, especially those to whom it was their only staple, unless some steps should be taken to relieve it of the unfair competition to which it was subjected; And Whereas on that occasion the Secretary of State for the Colonies, after assuring the deputation that no remedy whatever could be hoped for from the removal of bounties, or from the admission by the United States of the favoured nation

LAWS OF BARBADOS.

clause as applied to the West Indies, pointed to a reciprocal tariff with the United States, which the United States were willing to accept, as the only means of relief to the sugar production of the West Indies ; And Whereas an agent was sent over to the United States in the person of Mr. Nevile Lubbock, who was selected by the West India Body with the entire approval and sanction of both the Colonial and Foreign Ministers, for the express purpose of advising and assisting at a negotiation for a reciprocal tariff, and under these circumstances a draft Convention was arranged with the United States Minister, which provided very favourable terms for the West Indies ; And Whereas the feeling of the people in this Island is in favour of such a reciprocal trade arrangement as that laid down in the draft Convention, as has been shewn by a petition extensively signed by persons of property and respectability in the Island and presented to both Branches of the Legislature, praying that a reciprocal trade tariff with the United States, in accordance with the above mentioned draft Convention, might be embodied in a Bill and receive legislative sanction ; And Whereas such a reciprocal tariff would greatly conduce to the benefit of this Island by promoting trade and commerce with the United States which, from their geographical position, afford the nearest and most natural market from which they derive the great bulk of their foodstuffs, and to which a large portion of the staple crop of this Island is annually sent, and with which, therefore, it is desirable to cultivate the closest commercial relations ; Be it therefore enacted by

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the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

I. This Act may be cited as, " The Reciprocal Tariff between Barbados, Great Britain and the United States of America Act, 1885."

II. All articles hereafter mentioned in schedule C, coming from Great Britain or from the United States, shall be admitted into this Island, free of duty, and all articles named in schedule D shall be admitted at a reduction of fifty per cent upon the rate of customs duty now fixed, or which may hereafter be fixed during the continuance of this Act, provided that the said articles be the growth, manufacture, or production of Great Britain or the United States, and provided further, that the said articles be carried in vessels under the flag and registry of Great Britain or the United States, such vessels to be duly registered, and *bona fide* owned by British subjects or by citizens of the United States.

III. This Act shall be taken and construed to be a purely conditional one, and shall come into operation only so soon as and remain in force only so long as the United States shall on their part admit to all the ports of the United States produce and productions of this Island as follows ; All articles named in schedule A free of duty, and all articles named in schedule B at a reduction of twenty five per cent from the rates now fixed or which may hereafter be fixed during the continuance of this Act ; provided the said articles be the growth, manufacture or production of this Island, and provided further that the said articles be carried in

Short title.

Articles in Schedule C from Great Britain or United States to be free.

Articles in Schedule D at a reduction of 50 % upon rate of customs duty for time being

Proviso.

Act conditional ; to come into operation and be in force upon certain conditions.

Provisoes

LAWS OF BARBADOS.

vessels under the flag and registry of Great Britain or of the United States, such vessels to be duly registered and *bond fide* owned by subjects of Great Britain or by citizens of the United States.

If necessary to make good loss of revenue by export tax rate on sugar and molasses.

IV. Should it be found necessary to make good the loss of revenue in this Island caused by the reduction or abolition of customs duties as mentioned in section two by the imposition of an export tax, such tax shall in no case be made to exceed the rate of one pound per ton on sugar, and the rate of five shillings per ton on molasses

Tonnage and other charges on United States vessels bringing cargo or coming in ballast for purpose of loading cargo.

V. Vessels of the United States coming from any port or ports of the United States with cargo wholly the growth, product or manufacture of the United States, or in ballast for the purpose of loading with cargo for the United States shall pay upon entering any port of this Island the same tonnage, clearance, or other dues as are or may be levied on vessels belonging to Great Britain or this Island engaged in the inter-colonial trade, and coming directly from Great Britain or from any British Colony, and as to pilotage, port, wharf and hospital charges, they shall pay the same charges as are levied on British vessels or vessels belonging to this Island under similar circumstances; provided always that similar advantages be accorded by the United States to British vessels or vessels belonging to this Island trading from this island to the United States.

Proviso.

Under what circumstances United States or British vessels exempt from dues levied by general government.

VI. Vessels of the United States or British vessels trading with this Island having entered a port of this Island voluntarily or in distress with or without cargo and sailing from the said port without trans-

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acting any commercial operations shall be exempt from all tonnage, clearance, navigation, or port dues levied by the general government, and as to local charges the vessels of the United States shall pay no more than British vessels or vessels belonging to this Island under like circumstances. In case of entrance in distress, the discharge, reloading or transshipment caused thereby, the necessary expense for provisioning the crew, and the sale of the damaged merchandize shall not be considered a commercial transaction when the proper customs official shall have previously authorised it. Provided always that similar advantages be accorded by the United States to British vessels or vessels belonging to this Island trading from this Island to the United States.

VII. This Act shall continue in force until (and inclusive of) the thirty first day of December one thousand eight hundred and ninety. Provided always that this section shall in no way affect the operation of section three of this Act.

VIII. This Act shall not come into operation unless and until the officer administering the Government notifies by proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the officer administering the Government shall notify by the same or any other proclamation. Provided always that this section shall in no way affect the operation of section three of this Act.

As to local charges United States vessels to pay no more than British.

In case of entrance in distress, &c., customs official may exercise certain authority.

Proviso.

Duration of Act.

Proviso.

Suspending clause.

Proviso.

LAWS OF BARBADOS,

SCHEDULE A.

Articles the production of Barbados to be admitted free of duties into United States.

1. Asphaltum, crude or refined.
2. Balsams and gums, crude for the manufacture of medicinal extracts and preparations.
3. Beeswax.
4. Bones, hoofs and horns, unmanufactured.
5. Bones, shells, guano and other animal remains or deposits employed as fertilizers.
6. Cinchona, quassia and other barks, or woods yielding medicinal alkaloids.
7. Cocoon, crude and manufactured.
8. Coffee.
9. Cork-bark and scrap cork, manufactured.
10. Cotton, hemp, sisal, heniquen, palm, and other vegetable textile fibres unmanufactured.
11. Dye-woods, and dye-stuffs of all kinds, animal or vegetable.
12. Esparto, bamboo ; and other grasses, and pulp of, for the manufacture of paper.
13. Fruits, vegetables and nuts edible of all kinds, fresh.
14. Ginger, dried or preserved.
15. Gold and silver coin, or unrefined bars thereof.
16. Hides and skins, undressed, whether dried, salted or pickled.
17. Honey, in comb or strained.
18. India-rubber and gutta-percha, crude, and the milk of the same.
19. Indigo.
20. Ivory, animal or vegetable.
21. Leather, old scrap.

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22. Lime juice and orange juice.
23. Meat, fresh, whether beef or mutton.
24. Minerals and ores, of precious or common metals.
25. Molasses and melada.
26. Palm or cocoa-nut oil.
27. Pimento, pepper, cinnamon, cloves, nutmegs and allspice, crude.
28. Phosphates, crude or fertilizers.
29. Sponges.
30. Sarsaparilla.
31. Starch, arrowroot, and other amylaceous products.
32. Sugar, not above No. 16, Dutch Standard, in color.
33. Turtle, live, or prepared products thereof.
34. Vanilla and Tonquin beans.
35. Wood and lumber of all kinds, in the rough state, whether as logs, planks, sticks or strips.

SCHEDULE B.

Articles the production of Barbados to be admitted into the United States at a reduction of duties of twenty five per centum.

1. Bitters, aromatic
 2. Cordials in bottles, consisting of rum aromatized and sweetened
 3. Fruit preserves, fruit jellies and comfits.
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LAWS OF BARBADOS.

SCHEDULE C.

Articles of the production of Great Britain or the United States to be admitted free of duties into Barbados.

1. Acids, commercial, for manufacturing purposes.
2. Animals, alive, mules, cattle, sheep, goats, and hogs; and horses for breeding.
3. Asphalt, bitumen, tar, pitch and resin, crude or refined.
4. Belting for machinery, of leather, canvas or india-rubber.
5. Books, bound or unbound, pamphlets, newspapers and printed matter, in all languages.
6. Bricks, fire, tiles, artificial stone, terra cotta, slate and asbestos for building.
7. Bridges of iron or wood or both combined.
8. Bristles and hair raw or waste.
9. Brooms, brushes and whisks, or bristles or broom-straw.
10. Carts, cars, and barrows, with or without springs, for agricultural use.
11. Clocks. mantle or wall.
12. Cocoa, cacao and products thereof prepared for food.
13. Copper, brass, bronze, zinc, and lead articles, plain or nickle-plated, for industrial purposes and for building.
14. Cotton, hemp, flax, jute and other vegetable fibres, not spun or woven.
15. Cotton seed and its products.
16. Crucibles and melting pots of all kinds.
17. Eggs.
18. Fertilizers of all kinds, natural or artificial.

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19. Fire-arms for hunting and sporting purposes, and the cartridges therefor.

20. Firewood.

21. Fish and edible fish, products of all kinds, but only when fresh, cauned, or tinned.

22. Fishing apparatus of all kinds.

23. Flour and meal, of whatever kind of grain, except wheat.

24. Fruits and vegetables, fresh, canned, tinned, bottled, dried, pickled or preserved.

25. Furniture, comprising beds, tables, sofas, chairs, arm-chairs, desks, toilet tables, wardrobes, book cases, sideboards and other household furniture, whether plain or upholstered.

26. Fuse and wick for mines.

27. Gas fixtures and pipes

28. Gelatine, refined for food.

29. Glass, in plates or sheets rough or polished.

30. Glassware all kinds, plain or decorated.

31. Glue.

32. Gold and Silver coin of the United States, and refined bullion in bars or powder.

33. Gum and gutta-percha goods, including fabrics and clothing rendered wholly water-proof by means of india-rubber or gutta-percha

34. Hay.

35. Hides and skins, undressed or dressed.

36. Houses of wood or iron complete.

37. Ice.

38. Instruments, scientific and surgical all kinds.

39. Iron and steel tools, utensils and implements for agriculture, composed of iron or steel or both, or of these metals or either of them combined with other metals, or with

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wood, including any separate extra parts and pieces pertaining thereto.

40. Iron and steel locks, sliding bolts, hasps, hinges, handles and the like (including porcelain or other knobs or fittings necessary thereto — commonly known as “builders hardware.”

41. Iron, cast, pig and scrap.

42. Lamps and lanterns.

43. Lime, quick or slaked.

44. Lithographic stones.

45. Locomotives, railway rolling-stock, rails, railway ties, and materials and appliances for railways and tramways.

46. Marble or alabaster, in the rough or squared, worked or carved, for constructions or monuments.

47. Meats of all kinds, but only when fresh, canned, or tinned.

48. Medical extracts and preparations of all kinds, of which the formula is known, exclusive of quinine or preparations of quinine, opium in gum, extract of tincture gange and bhang.

49. Milk canned, condensed or preserved.

50. Minerals and ores.

51. Mineral waters, natural or artificial.

52. Mirrors and mirror plates, plain or silvered.

53. Moulds and patterns for the arts.

54. Naptha and benzine.

55. Paints and varnish brushes.

56. Paints, dry or ground, and turpentine, wood spirit, dryers and varnishers.

57. Paper of all kinds for printing,

58. Pens of any metal not silver or gold.

59. Photographic apparatus and chemicals.

60. Pianos and other musical instruments.

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61. Porcelain, china, and earthen and stone ware, plain or decorated.

62. Printers' inks all colours.

63. Printers' types, rules, spaces, and all accessories for printing.

64. Printing presses.

65. Quicksilver.

66. Rags or cloth for the manufacture of paper.

67. Sewing machines and all parts and accessories thereof.

68. Ship-building materials and accessories of all kinds, when used in the construction equipment or repair of vessels or boats of any kind, except rope and cordage of all kinds, including wire.

69. Shooks, staves, headings, hoops and cooperage of all kinds, and wooden boxes for packing.

70. Spices, condiments and alimentary sauces, prepared for use, in packages, tins or glass.

71. Steam and power engines, and machines, machinery and apparatus, whether stationery or portable, worked by power or by hand; for agriculture, irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof or the communication of motive power thereto.

72. Steam-pipes.

73. Steam-boilers.

74. Stoves, ranges, and furnaces, for heating, culinary, or manufacturing purposes.

75. Straw of all kinds.

76. Sulphur.

77. Tan bark of all kinds, whole or ground.

78. Teasels, vegetable or of wire, mounted ready for all uses.

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79. Telegraph wire and telegraphic, telephonic, and electrical apparatus and appliances of all kinds for communication or illumination.

80. Tin ware, for arts, industries and domestic uses.

81. Trees, plants, vines, and seeds and grains of all kinds, for propagation or cultivation.

82. Wall papers.

83. Watches, when not cased in gold or silver, and watch movements uncased.

84. Water pipes of all classes, materials and dimensions.

85. Willow-ware and wicker-ware.

86. Wire barbed, for fences, with the hooks, staples, nails and the like appliances for fastening the same.

87. Wood prepared in shape suitable for building, including doors, sashes, frames, blinds painted or unpainted, and similar necessary parts of buildings ; but not including shingles, beams, rafters, planks, boards, flooring, joints, or laths.

88. Wooden ware and implements of all kinds for agricultural, mechanical, or household use.

89. Wool, raw, washed or carded.

90. Zinc, tin, and lead in sheets, asbestos, tar, paper, and other roofings.

SCHEDULE D.

Articles of the production of Great Britain and the United States to be admitted into Barbados at reduction of duties of fifty per centum.

1 Biscuits and other food preparations of flour or meal.

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2. Butter, but no imitation thereof shall be classed as butter.
3. Cattle food, prepared, and feed cakes of all kinds,
4. Cheese.
5. Flour of wheat.
6. Grain of all kinds, not including rice and oats.
7. Lard.
8. Leather, fine or common, and all articles in which leather shall be the principal material.
9. Matches.
10. Petroleum and its products, refined for illuming and lubricating purposes.
11. Pitch Pine.

CAP. LX.

(Assented to 5th November 1885.)

BARBADOS.

An Act to authorise civil marriages to be celebrated before police magistrates in this Island, without any religious ceremony.

WHEREAS it is expedient to authorise civil marriages to be celebrated before police magistrates in this Island, without any religious ceremony; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

I. This Act may be cited for all purposes as "The Civil Marriage Act, 1885."

II. The words "police magistrate" where used in this Act shall mean and include every police magistrate or acting police magistrate or other person for the time being performing the duties of a police magistrate of any district of this Island.

Short title.

Meaning of words.

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Police Magistrate to celebrate marriages within his district.

III. Every police magistrate of this Island shall be and he is hereby authorised and required, when called upon by any person to do so, to celebrate marriages within his district in the manner and subject to the conditions and restrictions hereinafter mentioned, without any religious ceremony whatever.

Licenses to issue from the Colonial Secretary's Office addressed to the Police Magistrate.

IV. Licenses for the celebration of marriages within this Island by police magistrates shall issue from the Colonial Secretary's Office, and shall be signed by the Governor, and shall be obtained and granted in the same manner and on the same conditions as licenses for the celebration of marriages by ministers of religion are now issued from the Colonial Secretary's Office ; and each such license shall be addressed to the police magistrate by whom such marriage is to be performed, and on the receipt of such license the police magistrate to whom the same is addressed is hereby authorised and required to celebrate marriage between the persons named in such license.

In the case of certain persons being desirous to be married without license, notice to be given the Police Magistrate.

V. In case any person or persons of full age, or being under that age shall be a widower or widow, or have the consent of parents or guardians, shall desire to be married by a police magistrate without a license, one of the parties so intending to be married shall give notice in writing signed by him or her (such notice to be in the form in schedule A hereunto annexed or as near thereto as may be) to the police magistrate of the district in which they shall have resided for twenty one days next previous to such notice, of their intention to be married, and this notice shall state the name and surname of the parties intending to contract such marriage, and their

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place or respective places of abode and their profession or occupation ; and every police magistrate is hereby required to enter in a book to be kept by him for that purpose, which book shall be provided for him by the Treasurer of this Island at the public expense a true copy of such notice, and shall likewise suspend in some conspicuous place in his office a true copy of the said notice for fourteen days before any marriage shall be celebrated in pursuance of such notice, and the register book and suspended copies shall be open at all reasonable times to the inspection of persons desirous of inspecting the same on the payment of a fee of one shilling, and a fee of three shillings shall also be payable on each notice of intention to contract marriage.

Police Magistrate to enter in a book said notice, and suspend copy in his office.

Register book and notice open to inspection.

VI. If the parties desirous of being married shall reside in different police districts the like notice of intention to marry shall be given to the police magistrate of each district, and such marriage shall be celebrated by the police magistrate of the district chosen by the parties, after notice thereof as aforesaid, on production of a certificate from the police magistrate of the other district that such notice has been given and suspended as aforesaid, and for every such certificate a fee of sixpence shall be payable.

Parties residing in different districts to give notice in each district.

VII. After the expiration of fourteen days from the notice having been given to the police magistrate and suspended as aforesaid, provided no lawful impediment be shewn to the police magistrate why such marriage should not be celebrated, if the marriage shall not have been forbidden as hereinafter mentioned and the parties shall be of full age or if not of full age shall be a widower or widow or have the consent of their

When and how marriage to be celebrated.

LAWS OF BARBADOS.

respective parents or guardians, it shall be lawful for the police magistrate and he is hereby required to celebrate such marriage without any religious form or ceremony; and every such marriage pursuant to notice and all marriages by license as hereinbefore mentioned shall be celebrated with open doors at the office of the police magistrate of the district (except as hereinafter provided) in the presence of not less than two witnesses and between the hours of eight in the morning and two in the afternoon or at any private residence within his district between the hours of eight in the morning and nine at night; provided that before the celebration of any such marriage pursuant to notice the police magistrate who shall be about to marry them shall put to each of the parties the following question and any other questions he may think necessary, namely; Are you A.B. (or C.D.) of full age, or if not of full age, have you the consent of your parents or guardians? And each of the parties shall in the presence of such police magistrate and witnesses make the following declaration, "I A.B. do solemnly declare that I know not of any lawful impediment why I should not be joined in matrimony to C.D.;" and each of the parties shall in such presence say to the other, "I A.B. call upon these persons here present to witness that I do take thee C.D. to be my lawful wedded wife (or husband)" and thereupon the parties shall be deemed to be legally married.

F Proviso as to questions by the Police Magistrate.

Declaration to be made by the parties.

Persons desirous may add the religious ceremony ordained by their Church.

VIII. If the parties to any marriage contracted before a magistrate, shall desire to add the religious ceremony ordained or used by the Church or persuasion, of which such

SESSION OF 1884-'85.

parties shall be members, to the marriage so contracted, it shall be competent for them to present themselves for that purpose to a clergyman or minister of the Church or persuasion of which such parties shall be members, having given notice to such clergyman or minister, of their intention to do so ; and such clergyman or minister, upon the production of their certificate of marriage before the magistrate, and upon the payment of the customary fees, (if any), may, if he shall see fit, in the Church or Chapel whereof he is the regular minister, by himself or by some minister nominated by him, read or celebrate the marriage service of the persuasion to which such minister shall belong ; provided always that no minister of religion who is not in holy orders of the Church of England shall under the provisions of this Act officiate in any Church or Chapel of the Church of England ; but nothing in the reading or celebration of such service shall be held to supersede or invalidate any marriage so previously contracted, nor shall such reading or celebration be entered as a marriage among the marriages in the parish register.

Proviso.

1X. If any person shall be very ill and likely to die and the police magistrate of the district shall be satisfied thereof either from his own personal observation or by personal knowledge or by the certificate of the medical practitioner attending such person, if any such medical practitioner be in attendance, it shall be lawful for such police magistrate without the license or notice required by section five of this Act to forthwith celebrate marriage between the person who may be ill and the other person to whom he or she

Where person ill and likely to die, Police Magistrate shall celebrate marriage without license or notice.

LAWS OF BARBADOS.

may be desirous of being married at the house where such person shall be ill as aforesaid at any hour of the day or night; and such marriage shall be valid to all intents and purposes whatsoever, and the police magistrate is hereby required forthwith to register such marriage as hereinafter provided.

Fee to be paid Police Magistrate in respect of each marriage, and register to be kept in duplicate to be forwarded to Colonial Secretary.

Fee for certificate of marriage.

Celebration of marriage how forbidden.

X. A fee of three shillings shall be payable in respect of each marriage by license or otherwise which shall be celebrated by a police magistrate, and every such marriage shall forthwith be registered (in duplicate) by such police magistrate in books to be provided him for that purpose as hereinafter mentioned, and one copy thereof shall within the first ten days of the month next following the end of every month be transmitted by such police magistrate to the Colonial Secretary of this Island to be deposited by him in his office, and a copy of the entry of such marriage may be obtained from such police magistrate on payment of a fee of sixpence, or from the Colonial Secretary on payment of the usual fee; and a copy of such entry certified by such police magistrate or Colonial Secretary shall be received as evidence in the usual manner subject to all just exceptions.

XI. Any person authorised in that behalf as hereinafter mentioned may, at any time before the celebration of any such intended marriage pursuant to notice, forbid the solemnization of such intended marriage by writing the word "forbidden" opposite to the entry of the notice of such intended marriage in the register of notices, and by subscribing thereto his or her name and place of abode, and his or her character in relation to either of the parties by reason of which

SESSION OF 1885-'86.

he or she is so authorized; and in case the celebration of any such marriage shall be forbidden as aforesaid such marriage shall not be celebrated unless such prohibition shall be withdrawn, or until the validity of the objection or objections shall be determined by the Assistant Court of Appeal on the application of either party in a summary manner, which objection or objections the said Court is hereby authorized to hear and determine; and in no case shall any marriage be celebrated after the expiration of three months from the date of such notice, until notice of such intended marriage shall have been again set up as hereinbefore provided; provided however that in instances where a marriage has been forbidden and the Assistant Court of Appeal has decided that it may be proceeded with such marriage may be solemnised within three months after the Assistant Court of Appeal has so decided and without any new notice.

Proviso.

XII. Every person who shall knowingly and wilfully make any false answers or statements or declarations where required by this Act, or in answer to any questions put to him or her under the authority of this Act, or the provisions of this Act, or for the purpose of procuring any marriage not authorized by this Act, shall suffer the penalties of perjury.

Persons making wilfully false declaration to suffer the penalties of perjury.

XIII. All moneys payable under this Act for services performed by any police magistrate shall be paid to him for his own use and all fees payable to the Assistant Court of Appeal shall be paid into the public treasury for the uses of the Island.

Applications of monies payable under this Act.

XIV. Every police magistrate who shall refuse or neglect to marry any person when thereunto lawfully required, and every police

Penalty on Police Magistrate for refusing or neglecting marry persons wh

LAWS OF BARBADOS.

required, or celebrating marriage contrary to law.

magistrate who shall knowingly celebrate any such marriage which shall be contrary to law, shall for each such offence forfeit and pay a sum not exceeding fifty pounds to be recovered as servants' wages in a summary manner before any other police magistrate on the complaint of any person and to be paid into the public treasury for the uses of the Island; provided that no police magistrate shall except in case of illness as herein provided be required to celebrate any marriage without seven days previous notice to be given to him by one or other of the parties requiring him to celebrate such marriage.

Proviso.

Register of marriages to be kept in a prescribed form.

XV. The registers of marriages celebrated by police magistrates in this Island shall be kept (in duplicate) in proper bound books to be provided by the Treasurer of the Island (which books he is hereby required to provide from time to time as may be necessary at the public expense) and such books shall be in the form in schedule B to this Act annexed; and the entries in the register books in respect of each year shall be numbered progressively to the end of each year, the first entry to be distinguished by the No. 1; and one copy of such register shall within the first ten days of the month next following the end of every month be transmitted by each police magistrate to the Colonial Secretary of this Island to be kept as a record in his office, and such police magistrate shall certify in writing in such copy of the register that the same is a true and correct register of the marriages solemnized in his office for the then past month.

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SCHEDULE A.

To H. P. Police Magistrate of District

I. A. B. of in the parish of
 in the Island of Barbados,
 do hereby give you notice that a marriage is
 intended to be had without license within three
 months from this date between me and C. D.
 of the said parish of in the said
 Island; And I hereby declare that I as
 well as the said C. D. have for the space
 of twenty one days immediately preced-
 ing the giving of this notice resided in
 the said parish of ; And I further
 declare that I am above the age of twenty one
 years, and that the said C. D. is also
 above that age.—(If one or both the parties
 are under age alter and show that he or she
 is a widower or widow or has or have the
 consent of the necessary persons, or that
 there is no person to consent); And I also
 declare that I know of no lawful cause or
 impediment why such marriage should not be
 solemnized between us.

Dated this day of 18 .
 [Witness] A.B.

LAWS OF BARBADOS.

SCHEDULE B

Register of marriage.

MARRIAGE SOLEMNIZED IN THE				OF		IN THE ISLAND OF BARBADOS, IN THE YEAR 18		
No.	When Married.	Name and surname.	Age.	Condi- tion.	Rank, profes- sion, or occu- pation.	Residence at time of mar- riage.	Father's surname.	Rank, profes- sion, or occupa- tion of father.
The marriage was solemnized between us... ..					in the presence of us... {			

Married in the police court of district
Civil Marriage Act, 1885."

pursuant to the provisions of "The

SESSION OF 1884-'85,

CAP. LXI.

(Assented to 5th November 1885.)

BARBADOS.

An Act to continue various expiring laws.

WHEREAS the several Acts mentioned in the columns one and two of the schedule to this Act annexed, are limited to expire at the times specified in respect thereof in column three of the said schedule; And Whereas it is expedient to continue such Acts for the times mentioned respectively in column four of the said schedule: Be it therefore enacted by the Governor Council and Assembly of this Island, and by the authority of the same as follows;

I. This Act may be cited for all purposes as "The Expiring Laws Continuance Act, 1885."

Short title.

II. The Acts mentioned in column one of the schedule to this Act annexed are hereby continued until (and inclusive of) the dates respectively specified in column four of the said schedule, and any enactments amending or affecting the enactments continued by this Act are also hereby in like manner continued.

Acts mentioned in column 1 o schedule and enactments affecting such Acts continued in force.

LAWS OF BARBADOS.

SCHEDULE.

ORIGINAL ACTS.	AMENDING ACTS.	TIME OF EXPIRATION.	CONTINUED UNTIL
Public Health (19th February 1851)...	17th February 1853 } 16th February 1881 } 21st June 1878 }	31st December 1885	31st December 1886.
Highways (24th February 1864) ...	29th December 1879 } 30th August 1880 } 16th February 1881 }	31st December 1885	31st December 1886.
Fire Brigade (24th March 1874) ...	25th October 1880	31st December 1885	31st December 1886.
Additional Clerk to the Petty Debt Court, Bridgetown, (21st October 1874) ...	...	31st December 1885	31st December 1886.
Liquor Licenses (6th November 1876)...	18th November 1876 } 12th July 1885 }	31st December 1885	31st December 1886.
Trade (11th December 1878) ...	24th October 1879 } 29th May 1883 } 20th May 1884 } 7th July 1885 }	31st December 1885	31st December 1886.
Lunatics Removal (12th July 1879) ...	...	31st December 1885	31st December 1886.
Mongoose Protection (1st November 1879) ...	...	31st December 1885	31st December 1886.
Poor Relief Act (18th May 1880) ...	...	31st December 1885	30th June 1886.
Emigration (15th June 1881) ...	...	31st December 1885	31st December 1886.
Police (15th August 1882) ...	29th May 1883 } 10th July 1884 }	31st December 1885	31st December 1886.
Assistant Court of Appeal Act, 1883. } (27th February 1883) ... }	...	31st December 1885	31st December 1886.
Reporting Legislative Proceedings } (19th March 1884) ... }	...	31st December 1885	31st December 1886.
Revenue in Aid (29th March 1884)...	...	31st December 1885	31st December 1886.

SESSION OF 1884-'85.

CAP. LXII.

(Assented to 5th November 1885.)

BARBADOS.

An Act to authorise the Governing Body of Queen's College to borrow a sum not exceeding five hundred pounds and guaranteeing the payment of any sum so borrowed and the interest thereon.

WHEREAS the Governing Body of Queen's College have by their petition to the Legislature represented that they have incurred sundry liabilities consequent on having to meet the passages from England of three new mistresses at the College, and the erection of a residence thereat, and the furnishing of the same, and the conversion of the building known as the clerical library into class rooms to afford accommodation for the increased and increasing number of pupils at the college, and the connection of the main building with the class rooms by means of a covered way and other matters relating to the several matters before mentioned, and that there were still some other things required to be done to make the college comfortable for the due working of it, and that they were unable to meet those liabilities and requirements at once although they would be able to do so gradually from the funds of the college, but as it was desirable that such liabilities should be paid as early as possible and such requirements done without delay, the petitioners prayed that an Act might be passed authorizing them to obtain on interest from any person or persons body politic or corporate willing to lend the same, a loan of a sum of money not exceeding the sum of five hundred pounds to be repaid on twelve months

LAWS OF BARBADOS.

notice being given on either side and to be guaranteed by the government of this Island, and secured to the government by charging and making liable the lands and buildings of the college to the payment of the said loan and interest in the event of the government being obliged to pay the same; And Whereas it is deemed expedient to pass an Act giving effect to the prayer of the said petition; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same as follows;

Short title.

I. This Act may be cited as "The Queen's College Loan Act, 1885."

Governing Body of Queen's College authorized to borrow money at interest.

II. The Governing Body of the Queen's College are hereby authorized and empowered to obtain on loan at interest from any person or persons body politic or corporate any sum or sums not exceeding together the sum of five hundred pounds.

The Government of the Island guarantees payment of same and interest..

III. The government of this island hereby guarantees the payment of any sum or sums that may be borrowed as aforesaid by the governing body of the Queen's College under the authority of this Act not exceeding in the whole the sum of five hundred pounds with lawful interest on any such sum or sums from the date or dates the same may be borrowed.

Certificates of loans how, and by whom given..

IV. When any sum or sums shall be borrowed as aforesaid a certificate in the form of schedule A to this Act under the hand of the Chairman for the time being of the Governing Body of the College shall be given to any person or persons body politic or corporate lending the same, and such certificate shall be transferable and may be transferred to any other person or persons by indorsement

SESSION OF 1884-'85.

in the same manner as Bills of Exchange or Promissory Notes.

V. Any person or persons body politic or corporate lending any money to the Governing Body of Queen's College on the security of this Act or any transferee or assignee as aforesaid requiring the payment of any money so lent and advanced shall give to the Governing Body of the College and to the government of this island twelve months' notice in writing that he or they require such payment to be made, and when the Governing Body of Queen's College shall desire to pay up any moneys so borrowed they shall give to the person or persons body politic or corporate who lent and advanced the same his or their executors, administrators or assigns, a similar notice of their intention to pay up the same.

VI. Whenever any notice as is mentioned in the last preceding section shall be given to the Governing Body of the Queen's College by the person or persons body politic or corporate lending any moneys on the security of this Act, his or their executors, administrators or assigns, the Governing Body of the Queen's College may obtain some other person body politic or corporate to pay off and take up the same, and the party entitled to receive such money shall be bound to transfer the same to the person or body politic or corporate so paying off and taking up the same.

VII. If the Government of this Island shall be obliged to pay the said sum of five hundred pounds or the interest thereof or any part thereof respectively, the lands and buildings of which the Governing Body of the Queen's College may be possessed for the purposes of the College shall be charged with and be subject and liable to the payment of any

On payment being required notice in writing to be given, and when Governing Body desire to pay up a similar notice to be given.

When notice of payment is required, Governing Body may get money taken up, and transfer to be made.

If Government obliged to pay loan, or any part, lands and buildings of College liable for same.

LAWS OF BARBADOS.

moneys that may be so paid until the same shall be repaid.

SCHEDULE A

This is to certify that A.B. of
has lent to the Governing Body of the Queen's
College the sum of _____ under the
authority of "The Queen's College Loan Act,
1885," and that the said A.B., his executors,
administrators, and assigns is entitled to the
said sum of _____ with lawful
interest thereon payable annually from the
day of _____ 188

Dated this _____ day of _____ 188

C.D.

Chairman of the Governing Body of
the Queen's College.

CAP. LXIII.

(Assented to 10th November 1885.)

BARBADOS.

An Act for making better provision for the disposal of the undisposed-of residues of the effects of testators than at present exists.

WHEREAS it is deemed expedient to make better provision for the disposal of the undisposed-of residues of the effects of testators than at present exists ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Undisposed-of Residues of Testators Effects Act, 1885."

Executors deemed
to be trustees for
persons entitled to

II. When any person shall die having by his will or any codicil appointed any person or persons to be his executor or executors,

SESSION OF 1884-'85.

such executor or executors shall be deemed to be a trustee or trustees for the person or persons (if any) who would be entitled to the estate under the Statute of Distributions in respect of any residue not expressly disposed of, unless it shall appear by the will or any codicil thereto that the person or persons so appointed executor or executors was or were intended to take such residue beneficially.

any residue under the Statute of Distributions, unless otherwise directed by will.

III. Nothing herein contained shall affect or prejudice any right to which any executor, if this Act had not been passed, would have been entitled, in case where there is not any person who would be entitled to the testator's estate under the Statute of Distributions in respect of any residue not expressly disposed of.

Not to affect rights of executors where there is not any person entitled to the residue.

CAP. LXV.

(Assented to 10th October 1885.)

BARBADOS.

An Act to incorporate into one Act all the pensions granted by resolution of the Legislature during the present Session.

WHEREAS it is deemed expedient to incorporate into one Act all the pensions granted by resolution of the Legislature during the present Session; Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows;

I. From and after the passing of this Act the Treasurer of this Island shall, and he is hereby authorised to pay annually, in equal monthly payments, from the public treasury on the warrant of the Governor-in-Executive Committee, to the several persons mentioned

Treasurer on warrant of Governor-in-Executive Committee to pay pensions in schedule.

LAWS OF BARBADOS,

in column one of the schedule to this Act annexed, during the term of their respective natural lives, the sums mentioned and set out in column three of the said schedule against the respective names of those persons.

Resolutions granting pensions in schedule not to take effect.

II. From and after the passing of this Act the several resolutions granting pensions to the several persons mentioned in the schedule hereto, shall cease to have any effect.

SCHEDULE.

Column one.	Column two.	Column three		
		£	s.	d.
Rebecca O'Daniel	Late Schoolmistress Society Infant School. ...	10	0	0
E. L. Stoute.	Late Schoolmaster Payne's Bay School. ...	10	0	0

CAP. LXVI.

(Assented to 10th November 1885.)

BARBADOS.

An Act to grant a sum of money out of the public treasury and to appropriate the same for the service of the year ending the thirty first day of December one thousand eight hundred and eighty six.

WHEREAS it is deemed expedient to grant the sum of thirty nine thousand eight hundred and ninety five pounds four

SESSION OF 1884-'85.

shillings out of the public treasury for making good the supply granted for the service of the year ending on the thirty first day of December one thousand eight hundred and eighty six, and to appropriate the said sum in the manner hereinafter mentioned ; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same as follows ;

I. This Act may be cited for all purposes as " The Appropriation Act, 1886."

Short title.

II. The Colonial Treasurer for the time being may issue out of the public treasury on the warrant of the Governor in-Executive Committee and apply for making good the supply granted for the service of the year ending the thirty first day of December one thousand eight hundred and eighty six the sum of thirty nine thousand eight hundred and ninety five pounds four shillings.

Grant of £39,895 4/
out of Public Treasury.

III. The sum granted by this Act shall be held to be granted on the first day of January one thousand eight hundred and eighty six.

Date on which
grant takes effect.

IV. The sum granted by this Act out of the public treasury for making good the supply granted for the service aforesaid is appropriated and shall be deemed to be appropriated as from the first day of January one thousand eight hundred and eighty six for the purposes and services expressed in the schedule annexed hereto.

Appropriation of
sum granted.

V. The schedule annexed hereto shall be deemed to be part of this Act in the same manner as if it had been contained in the body of the Act.

Schedule to be
deemed part of Act.

LAWS OF BARBADOS.

ABSTRACT

Of the Schedule to which this Act refers.

Appropriation of Grants.

	£	s.	D.	£	s.	D.
Establishments ... ..	...			2,509	0	0
Exclusive of Establishments—						
Head 1—Civil.... ..	868	0	0			
Head 2—Legislative ...	102	10	0			
Head 3—Judicial	255	0	0			
Head 4—Police.....	6,110	0	0			
Head 5—Harbor Police	375	0	0			
Head 6—Prisons.....	5,510	0	0			
Head 8—Education	13,097	14	0			
Head 9—Public Library	5	0	0			
Head 10—Medical.... ..	5,080	0	0			
Head 13—Drawbacks...	40	0	0			
Head 14—Works and Buildings.....	3,895	0	0			
Head 16—Rent... ..	323	0	0			
Head 18—Miscellaneous	1,725	0	0			
Total Exclusive of Establishments			37,386	4	0
Grand Total.....				39,895	4	0

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SCHEDULE—PART I.

Establishments.

- Schedule of sums granted to defray the several charges on account of Establishments herein particularly mentioned which will come in, in course of payment during the year ending on the thirty first day of December, 1886.

Service.	Sums not exceeding.					
HEAD 1—D.	£	s.	d.	£	s.	d.
For the salary of an extra Clerk in the Audit Office.....	...			100	0	0
HEAD 2—B.	£	s.	d.	£	s.	d.
For salaries of Officers of the Assembly.....	...			750	0	0
HEAD 4.	£	s.	d.	£	s.	d.
For the salaries of Medical Officers of the Police...	...			120	0	0
HEAD 6.	£	s.	d.	£	s.	d.
For the salaries of Officers of the Prison Department.....	...			262	10	0

LAWS OF BARBADOS.

SCHEDULE—PART I.

Service.	Sums not exceeding.					
	£ s. d.			£ s. d.		
HEAD 10—C.						
For salaries and wages of members of the Staff of the Lunatic Asylum, & the branch Asylum at District "B" other than the Medical Superintendent.....	1,051 10 0					
For salaries and wages of the members of the Staff of the Lazaretto, other than the Surgeon, Superintendent, and Chaplain... ..	225 0 0					
Total Head 10.....	..			1,276 10 0		
Total Establishments	..			2,509 0 0		

SESSION OF 1884-'85.

SCHEDULE—PART II.

Exclusive of Establishments,

Schedule of sums granted to defray the several charges, Exclusive of Establishments, herein particularly mentioned, which will come in, in course of payment, during the year ending on the thirty first day of December, 1886, namely,

Service.	Sums not exceeding.					
HEAD 1—CIVIL.	£	s.	d.	£	s.	d.
<i>a.</i> For supply of Furniture for Government House £100, stationery and incidentals for Governor's Office £80	180	0	0			
<i>d.</i> For Furniture and Contingent Expenses of the Auditor General's Office	3	0	0			
<i>e.</i> For wages of messenger £20, Instruments and contingencies of Public Works Office £10... ..	30	0	0			
<i>f.</i> Harbour Master.....	25	0	0			
<i>g.</i> For special services, wages, furniture, and contingencies of the Customs Department	415	0	0			

LAWS OF BARBADOS.

SCHEDULE—PART II.

Service.	Sums not exceeding.					
	£	s.	d.	£	s.	d.
<i>h.</i> For wages, gas, water, and contingencies at the Market	165	0	0			
<i>m.</i> For Flags and contingencies of Signal Stations... ..	35	0	0			
<i>o.</i> For Instruments for and contingencies of the Inland Revenue Department	15	0	0			
Total Head 1, Civil..	...			868	0	0
HEAD 2—LEGISLATIVE.						
(<i>a.b.c.</i>) For contingencies of the Legislative Departments... ..	...			102	10	0
HEAD 3—JUDICIAL.						
For contingencies of Judicial Department £82 10, clerical assistance for Bridgetown Magistrates £ 100, Books £50, Messengers £17 10, Interpreter £5.....	...			255	0	0

SESSION OF 1884-'85.

SCHEDULE—PART II.

Service.	Sums not exceeding					
HEAD 4—POLICE.	£	s.	D.	£	s.	D.
For the support of the Police Department ...	...			6,110	0	0
HEAD 5—HARBOUR POLICE						
For the support of the Harbour Police Department .....	...			375	0	0
HEAD 6—PRISONS.						
For the support of the Prison Department ...	4,835	0	0			
For the support of Dodds Reformatory	1,175	0	0	5,510	0	0
HEAD 8—EDUCATION.						
To defray the expenditure to be incurred under the Education Act, 1878 .....	...			13,097	14	0
HEAD 9—PUBLIC LIBRARY.						
For the contingent expenditure of the Public Library Department...	...			5	0	0

LAWS OF BARBADOS.

SCHEDULE—PART II.

Service.	Sums not exceeding.					
	£	s.	D.	£	s.	D.
HEAD 10—MEDICAL.						
<i>c.</i> Lunatic Asylum—						
For the support of the Lunatic Asylum	3,240	0	0			
<i>d.</i> Lazaretto—						
For the support of the Lazaretto	1,650	0	0			
<i>e.</i> Board of Health—						
For wages, contingencies, &c., £95, additional salary to Clerk £30, Repairs £50	175	0	0			
<i>f.</i> Poor Law Board—						
For Messenger, furniture, and contingencies	15	0	0			
Total Head 10, Medical	...			5,080	0	0
HEAD 13—DRAWBACKS.						
For payment to the Military Departments in lieu of drawback at the rate of £40 a-year			40	0	0

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SCHEDULE—PART II.

Service.	Sums not exceeding					
	£	s.	D.	£	s.	D.
HEAD 14—WORKS AND BUILDINGS.						
A. For wages and contingencies of the Public Buildings. ....	...			95	0	0
B. For repairs and alterations, namely :—						
1. Public Buildings...	200	0	0			
1. a. Government House	150	0	0			
1. g. Customs and Petroleum Warehouse...	15	0	0			
1. j. Market.....	100	0	0			
1. m. Signal Stations and Telephones	125	0	0			
4. Police Stations.....	350	0	0			
5. Prisons & Town Hall	300	0	0			
Reformatory	40	0	0			
7. Bishop's Court.....	40	0	0			
10. c. Lunatic Asylum ...	200	0	0			

LAWS OF BARBADOS.

SCHEDULE—PART II.

Service.	Sums not exceeding					
	£	s.	D.	£	s.	D.
10. <i>d.</i> Lazaretto.....	150	0	0			
Miscellaneous....	100	0	0			
<i>a.</i> Swing Bridge....	50	0	0			
<i>b.</i> Buoys	40	0	0			
<i>c.</i> Cranes, repairs and Painting	30	0	0			
<i>d.</i> Fountain Garden...	10	0	0			
Codrington House	25	0	0			
<i>f.</i> Wharf walls.....	50	0	0			
<i>g.</i> Repairs to Pumps	100	0	0	2,075	0	0
C. New Works— For Dredging £1,500	1,500	0	0			
For payment to St. Lucia for tools £25	25	0	0			
Total New Works.....				1,525	0	0
D. Incidental Expenses—						
For salary of Storekeep- er and Assistant in office of Superintend- ent of Public Works...	80	0	0			

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SCHEDULE—PART II.

Service:	Sums not exceeding					
	£	s.	d.	£	s.	d.
For upkeep of Garden...	20	0	0			
For Lighting the Wharf	100	0	0			
Total Incidental Expenses				200	0	0
Total Head 14, Works and Buildings				3,895	0	0
HEAD 16—RENT.						
For Rent of Buildings occupied by various Departments of the Government .....	...			323	0	0
HEAD 18—MISCEL- LANEOUS.						
For cost of Parish Regis- ters, and indexing and binding the same.....	50	0	0			
For cost of Telegrams sent on the Public Service.....	100	0	0			

LAWS OF BARBADOS.

SCHEDULE—PART II.

Service.	Sums not exceeding.					
	£ s. d.			£ s. d.		
For advertising Liquor Licenses.....	25 0 0					
For Government Binding and Printing.....	1,200 0 0					
For Stationery for the use of the Public Departments.....	250 0 0					
This amount to be placed at the Governor's disposal for the service of the Colony... ..	100 0 0					
Total Head 17.—Miscellaneous.....				1,725 0 0		
Total Exclusive of Establishments.....				97,386 4 0		

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CAP. LXVII.

(Assented to 10th November 1885.)

BARBADOS.

An Act to amend "The Real Estate Act, 1853."

WHEREAS it is expedient to amend "The Real Estate Act, 1853," which relates to the limitations of actions and suits respecting personal estate as well as real estate, and also to the facilitation of the transfer of property ; Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same, as follows ;

I. This Act may be cited as "The Real Estate Act, 1853, Amendment Act, 1885."

Short title

II. No action or suit or other proceeding shall after the thirty first day of December one thousand eight hundred and eighty six be brought to recover the personal estate or any share of the personal estate of any person dying intestate possessed by the legal personal representative of such intestate but within twenty years next after a present right to receive the same shall have accrued to some person entitled to the same, unless in the meantime some part of such estate or share or some interest in respect thereof shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person accountable for the same or his agent to the person entitled thereto or his agent, and in such case no such action or suit or proceeding shall be brought but within twenty years after such accounting, payment or

Extension of section 30 of "The Real Estate Act, 1853," to cases of claims to estates of intestates.

LAWS OF BARBADOS,

acknowledgment, or the last of such accountings, payments or acknowledgments if more than one was made or given.

Completion of contract after death.

III. (1.) Where at the death of any person there is existing a contract enforceable against his heir or devisee for the sale of the fee simple or other freehold interest descendible to his heirs general in any land, his personal representatives shall by virtue of this Act have power to convey the land for all the estate and interest vested in him at his death in any manner proper for giving effect to the contract.

(2.) A conveyance made under this section shall not affect the beneficial rights of any person claiming under any testamentary disposition or as heir or next of kin of a testator or intestate.

(3.) This section applies only in cases of death after the commencement of this Act.

Devolution of trust and mortgage estates, on deaths.

IV. (1.) Where an estate or interest of inheritance or limited to the heir as special occupant in any lands, tenements or hereditaments corporeal or incorporeal is vested on any trust or by way of mortgage in any person solely, the same shall on his death notwithstanding any testamentary disposition devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him ; and accordingly all the like powers of one only of several joint personal representatives as well as for a single personal representative and for all the personal representatives together to dispose of and otherwise deal with the same shall belong to the deceased's personal representatives or representative from time to time with all the like incidents but

SESSION OF 1884-'85,

subject to all the like rights, equities and obligations as if the same were a chattel real vested in them or him ; and for the purposes of this section the personal representatives for the time being of the deceased shall be deemed in law his heirs and assigns within the meaning of all trusts and powers.

(2.) Section fifty four of The Real Estate Act, 1853, is hereby repealed.

(3.) This section including the repeal therein applies only in cases of death after the commencement of this Act

V. This Act shall be read and construed as part of The Real Estate Act, 1853.

To be read with
The Real Estate Act
1853.

CAP. LXVIII.

(Assented to 10th November 1885.)

BARBADOS.

An Act to amend the Act of the 23rd day of December 1853 entitled, "An Act for the more effectual securing the payment of rents and preventing frauds by tenants."

WHEREAS it is deemed expedient to amend the Act of the twenty third day of December one thousand eight hundred and fifty three, entitled, "An Act for the more effectual securing the payment of rents and preventing frauds by tenants," (hereinafter in this Act called "The Tenants Act, 1853,"); Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows ;

I. The Tenants Act, 1853, may be cited by that name or style.

Short titles.

This Act may be cited as "The Tenants Act, 1853, Amendment Act, 1885."

LAWS OF BARBADOS.

All grants and conveyances to be good without attornment of tenants.

Tenant not prejudiced, before notice to him.

Section two of Tenants Act, 1853, amended.

Proceedings to be stayed on application to Police Magistrate.

II. Any grant or conveyance of rents or of the reversion or remainder of any land shall be good and effectual to all intents and purposes without any attornment of the tenant of the land out of which such rent shall be issuing, or of the particular tenant upon whose particular estate any such reversion or remainder shall and may be expectant or depending as if his attornment had been had and made.

III. No such tenant shall be prejudiced or damaged by payment of any rent to any grantor or by breach of any condition for nonpayment of rent before notice shall be given to him of such grant by any grantee.

IV. Section two of "The Tenants Act, 1853" is hereby amended by omitting the words "ten pounds" occurring in the third line thereof, and substituting therefor the words "fifty pounds."

V. Whenever an application shall be made to a Police Magistrate under section two or section five of "The Tenants Act, 1853," it shall be the duty of such Police Magistrate, and he is hereby required, forthwith on such application being made, to notify the Government Auctioneer of the parish or district, of the same; and such Government Auctioneer is hereby required, on receiving such notice to stay all proceedings on the distress until the application shall have been fully heard and disposed of by the Police Magistrate, or by the Assistant Court of Appeal, or Court of Error, in case there shall be an appeal against the order made by the Police Magistrate or Assistant Court of Appeal, and any Government Auctioneer selling any goods and chattels distrained on for rent, after having received notice of such application as afore-

SESSION OF 1884-'85.

said, shall, should the applicant succeed in his application, incur a penalty of double the value of the goods and chattels sold, to be recovered by the person aggrieved by such sale, for his own use and benefit, before the Police Magistrate of his parish or district, as in the case of servants wages.

Penalty.

CAP. LXIX.

(Assented to 10th November 1885.)

BARBADOS.

An Act to protect the goods of lodgers against distresses for rent due to the superior landlord.

WHEREAS lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same as follows;

I. This Act may be cited as "The Lodgers Protection Act, 1885."

Short title.

II. The term "lodger" as used in this Act includes every person, the renter from any occupier, not being the owner of a dwelling-house, of part of such dwelling-house for the purposes of residence only; and does not include an under tenant of premises used for business purposes.

Meaning of term "lodger."

III. If any superior landlord shall levy or authorise to be levied a distress on any fur-

Lodger, if distress levied, to make

LAWS OF BARBADOS.

declaration that immediate tenant has no property in goods distrained.

niture, goods or chattels of any lodger for arrears of rent due to such superior landlord by his immediate tenant, such lodger may serve such superior landlord or the bailiff or other person employed by him to levy such distress, with a declaration in writing made by such lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods, or chattels so distrained or threatened to be distrained upon, and that such furniture goods or chattels are the property or in the lawful possession of such lodger; and also setting forth whether any and what rent is due, and for what period from such lodger to his immediate landlord; and such lodger may pay to the superior landlord or to the bailiff or other person employed by him as aforesaid, the rent if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord. And to such declaration shall be annexed a correct inventory, subscribed by the lodger of the furniture, goods and chattels, referred to in the declaration; and if any lodger shall make or subscribe such declaration and inventory, knowing the same or either of them to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

Penalty.

IV. If any superior landlord or any bailiff or other person employed by him shall, after being served with the before mentioned declaration and inventory, and after the lodger shall have paid or tendered to such superior landlord, bailiff, or other person the rent if any, which by the last preceding section, such lodger is authorised to pay, levy or proceed with a distress on the furniture, goods or chattels of the lodger, such superior

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landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the lodger may apply to the Police Magistrate of his parish or district for an order for the restoration to him of such goods ; and such application shall be heard before such Police Magistrate, and such Police Magistrate shall inquire into the truth of such declaration and inventory, and shall make such order for the recovery of the goods or otherwise as to him may seem just, and the superior landlord shall also be liable to an action at law at the suit of the lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

V. Any payment made by any lodger pursuant to section three of this Act shall be deemed a valid payment on account of any rent due from him to his immediate landlord.

Proviso as to payments by lodgers to superior landlord

CAP. LXX.

(Assented to 10th November 1885.)

BARBADOS.

An Act to legalize certain expenditure incurred by the vestry of the parish of Saint Michael in paying to Mrs. Keturah Bruce Umphrey a monthly sum in consideration of her faithful services as overseer at the late Constitution Almshouse, and to authorize the said vestry to pay in future from the parochial funds of the parish a monthly pension to the said Keturah Bruce Umphrey.

WHEREAS the vestry of the parish of Saint Michael in this Island have preferred a petition to the Legislature setting forth that, Edward Umphrey late of this

LAWS OF BARBADOS.

Island, deceased, was for a period of thirty years up to the date of his decease in the year one thousand eight hundred and seventy five, overseer of the Constitution Alms-house in the said parish of Saint Michael; and that during his tenure of office he gave, the petitioners were informed, entire satisfaction in the discharge of his duties; that from the date of his decease his widow the said Keturah Bruce Umphrey continued the said office of overseer for a period of twelve months, and that at the expiration of such time, through failing health, she was unable to continue to discharge the said office; that the then vestry of the said parish of Saint Michael considering the long and valuable services of the said Edward Umphrey and also the faithful services performed by his widow the said Keturah Bruce Umphrey and her embarrassed condition, granted the said Keturah Bruce Umphrey a monthly pension of three pounds six shillings and eight pence which was paid up to the month of March one thousand eight hundred and eighty five; that the petitioners the present vestry of the parish of Saint Michael on laying the rates for the present year were advised that they were not legally authorised to continue such pension and disallowed the same; and the petitioners prayed that the Legislature would be pleased to pass an Act indemnifying the said vestry the amount so expended, and authorizing in future the payment of a monthly pension to the said Keturah Bruce Umphrey during the remainder of her life; And Whereas it is deemed advisable to indemnify the said vestry and all persons concerned in the

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expenditure aforesaid, and to authorize the payment of a monthly pension to the said Keturah Bruce Umphrey during her life ; Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same, as follows ;

I. All sums of money which have from time to time been paid by the vestry of the said parish of Saint Michael to the said Keturah Bruce Umphrey as a monthly pension, are, having regard to the circumstances in the petition of the said vestry mentioned, hereby declared to have been lawfully expended, and the said vestry and all persons concerned in such expenditure are hereby indemnified and held harmless in respect of the same.

Vestry of Saint Michael indemnified in respect of moneys paid K. B. Umphrey.

II. From and after the passing of this Act the vestry of the parish of Saint Michael are hereby authorised and empowered to raise and pay to the said Keturah Bruce Umphrey out of the parochial funds of the said parish a monthly pension of three pounds six shillings and eight pence for the term of her natural life, such pension to be computed and paid as from the first day of April one thousand eight hundred and eighty five.

Vestry authorised to raise and pay to the said K. B. Umphrey a monthly pension.

LAWS OF BARBADOS.

CAP. LXXI.

(Assented to 10th November 1885.)

BARBADOS.

An Act to declare that the execution of any power of appointment by deed or by any instrument in writing, not testamentary, in the presence of and attested by two or more witnesses shall be a valid execution of such power of appointment.

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Execution of Powers of Appointment Act, 1885."

Mode of execution
of Power.

II. Any deed hereafter executed in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested shall so far as respects the execution and attestation thereof be a valid execution of a power of appointment by deed or by any instrument in writing, not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or attested with some additional or other form of execution or attestation or solemnity. Provided always that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment having no relation to the mode of executing and attesting the instrument, and nothing herein contained shall prevent the donee of a power from executing it conform-

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ably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

CAP. LXXII.

(Assented to 10th November 1885.)

BARBADOS.

An Act to amend the law relating to forfeitures and rights of re-entry under covenants, conditions or powers reserved in leases.

WHEREAS it is expedient to amend the law relating to forfeitures and rights of re-entry under covenants, conditions or powers reserved in leases; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows;

I. This Act may be cited as "The Law of Leases Amendment Act, 1885."

Short title.

II. Where any license to do any act which without such license would create a forfeiture or give a right to re-enter under a condition or power reserved in any lease heretofore granted, or to be hereafter granted shall at any time be given to any lessee or his assigns, every such license shall unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under lease or other matter thereby specifically authorised to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license) and all rights under covenants and

Restriction on effect of license to alien.

LAWS OF BARBADOS.

powers of forfeiture and re-entry in the lease contained shall remain in full force and virtue and shall be available as against any subsequent breach of covenant or condition, assignment, underlease or other matter not specifically authorized or made punishable by such license in the same manner as if no such license had been given, and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorised to be done.

Restricted operation of partial licenses.

III. Where in any lease heretofore granted or to be hereafter granted there is or shall be a power or condition of re-entry on assigning or underletting or doing any other specified act without license, and a license at any time shall be given to one of several lessees or co-owners to assign or underlet his share or interest, or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or underlet part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees or owner or owners of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

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IV. Where the reversion upon a lease is evered and the rent or other reservation is legally apportioned the assignee of each part of the reversion shall in respect of the apportioned rent or other reservation allotted or belonging to him have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Apportionment of conditions of re-entry in certain cases.

V. Where any actual waiver of the benefit of any covenant or condition in any lease on the part of any lessor, or his heirs, executors, administrators, or assigns shall be proved to have taken place in any one particular instance such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of any such covenant or condition unless an intention to that effect shall appear.

Restriction of effect of waiver.

CAP. LXXIII.

(Assented to 10th November 1885.)

BARBADOS.

An Act to further amend the administration of criminal law in this Island.

WHEREAS it is expedient to make further amendments in the administration of the criminal law in this Island; Be it therefore enacted by the Governor,

LAWS OF BARBADOS.

Council and Assembly of this Island, and by the authority of the same, as follows ;

Short title.

I. This Act may be cited as "The Criminal Law Amendment Act, 1885."

Provisions of "The Justices of the Peace Procedure Act 1860 extended to "The Criminal Law Amendment Act, 1879."

II. All the provisions of The Justices of the Peace Procedure Act, 1860, relating to the summoning and enforcing the attendance and committal of witnesses, and binding them by recognizance and committal in default, and for giving the accused person copies of the examinations, shall extend to witnesses whom any person charged with an indictable offence desires to call under "The Criminal Law Amendment Act, 1879," as well as to witnesses for the prosecution.

Provision for the prisoner being present at taking of statement.

III. Whenever a prisoner in actual custody shall have served or shall have received notice of an intention to take such statement as in section eight of the said The Criminal Law Amendment Act, 1879, is mentioned, or whenever in any civil or criminal matter any person in prison may be required as a witness, the Police Magistrate or Justice of the Peace by whom the prisoner was committed, or the Visiting Justice or one of the Visiting Justices of the prison in which he is confined, may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement or for the purpose of being examined as a witness ; and such gaoler shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner shall have been conveyed.

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IV. If any person summoned or required to serve as a juror in any civil or criminal proceeding shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the court or judge, or other presiding officer or person qualified to administer an oath to a juror, upon being satisfied of the sincerity of such objection to permit such person, instead of being sworn, to make his solemn affirmation or declaration in the words following ;

“ I A. B. do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful ; and I do also solemnly, sincerely, and truly affirm and declare” &c.

Which solemn affirmation and declaration shall be of the same effect, and if untrue shall entail all the same consequences as if such person had taken an oath in the usual form ; and whenever in any legal proceedings it is necessary or usual to state or allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath, but it shall be sufficient to state that the jurors have been “ sworn or affirmed.”

V. Where any prisoner shall be convicted, either summarily or otherwise, of larceny or other offence, which includes the stealing of any property, and it shall appear to the court by the evidence that the prisoner has sold the stolen property to any person, and such person has had no knowledge that the same was stolen, and that any monies have been taken from the prisoner on his apprehension, it shall be lawful for the court, on

Jurors refusing from conscientious motives to be sworn, to be permitted to make a solemn affirmation or declaration.

Money found on prisoner to be given to purchaser of property not known to be stolen, on restitution of property.

LAWS OF BARBADOS.

the application of such purchaser, and on the restitution of the stolen property to the prosecutor, to order that out of such monies a sum not exceeding the amount of the proceeds of the said sale be delivered to the said purchaser.

Words omitted from section 4 "The Justices of the Peace Procedure Act, 1860."

VI. Section four of the said The Justices of the Peace Procedure Act, 1860, is hereby amended by omitting therefrom the words "within the jurisdiction of such Justice" occurring in line two thereof.

CAP LXXIV.

(Assented to 10th November 1885.)

BARBADOS.

An Act to alter and amend the law providing for the renting of the pews, sittings and seats of the several churches and chapels of this Island, and to make other provision in lieu thereof.

WHEREAS by sections two and three of an Act of this Island of the ninth day of April one thousand eight hundred and thirty four entitled, "An Act for the better regulating the pews, sittings and seats in the several parish churches, chapels and other places of divine worship within the Island," provision is, amongst other things, made for the renting of pews, sittings and seats in the several parish churches by the vestries and churchwardens of the parishes for the time being, and for the renting of the pews, sittings and seats of the several chapels and other places of public worship by a committee of management of such chapel or place of public worship—appointed as in the Act mentioned; And Whereas it is deemed expedient

SESSION OF 1884-'85.

to alter and amend the law providing for the renting of the pews, sittings and seats of the several churches and chapels of this Island, and to make other provision in lieu thereof; Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows;

I. The vestry of every parish of this Island, or any number not less than two of the members of each vestry respectively, and the churchwarden for the time being of each parish with the rector or officiating minister for the time being of the parish church of each parish are hereby authorised and empowered to make allotments on some day in the month of January in every succeeding year, after notice given by the rector or officiating minister for the time being during divine service on two consecutive Sundays previous to the day of allotment, of the pews, sittings and seats in their respective parish churches, and to fix a moderate rent for the use and occupation of pews, sittings and seats for the better support thereof; and on any such allotment being signed by the rector and members of the vestry, or by the rector or officiating minister for the time being, and a majority of the members making the same, such allotment shall be deemed to have been duly made; and any allotment signed as aforesaid shall be received in evidence as proof of such allotment.

Allotment of pews and sittings in parish church, by whom and how made.

II. In the case of any chapels now under the control of the respective vestries of the several parishes of this Island, or which may hereafter be taken under their control, the vestry of each parish respectively or any number of the members thereof, not less than

Allotment of pews and sittings in chapels now, and hereafter under control of vestries by whom and how made.

LAWS OF BARBADOS,

two, with the churchwarden and officiating minister for the time being of such chapel shall be and they are hereby authorised and empowered to make allotments of pews, sittings and seats for the use of persons resorting thereto for the purpose of divine worship, and to fix a moderate rent for the use and occupation of such pews, sittings and seats in the said chapels ; and such allotment shall be signed by the officiating minister and members making such allotment or by the officiating minister and majority of members, and shall be deemed to have been duly made, and any such allotment signed as aforesaid shall be received in evidence as proof thereof.

Sanction of Bishop not necessary where chapel not under control of vestry.

III. The sanction and approval of the Bishop of the Diocese shall not be necessary to the validity of any allotment of sittings made by the committee of a chapel not under the control of the vestry of a parish.

Pew renter dissatisfied with allotment may appeal to Bishop.

IV. If any pew renter of such churches or chapels as aforesaid, who is not in arrears for his rents, shall be dissatisfied with the allotments, it shall be lawful for such renter within fourteen days after such allotment has been signed to appeal in writing to the Bishop of the Diocese, or in case of his absence from the Island, to his Vicar-General or Commissary who shall disallow the allotment if he shall deem it unsatisfactory, or confirm the allotment if he be satisfied therewith.

When any pew &c. forfeited notice to be placed on door of church or chapel.

V. When any pew sitting or seat has been forfeited, notice in writing of a re-allotment of such pew, sitting or seat shall be placed on the door of the church or chapel (as the case may be) for two consecutive Sundays before the re-allotment.

SESSION OF 1884-'85,

VI. In case of disturbance in any parish church or in any chapel under the control of any vestry in the absence of the churchwarden, any member of the vestry present, or the church or chapel officer shall be, and he is hereby authorised when required so to do by the officiating minister to act with all the powers vested in churchwardens in like cases. And in the case of any chapel not under the control of any vestry, any member of the committee of management or the chapel officer shall be, and he is duly authorised when required so to do, to act with all the powers vested in churchwardens.

Disturbances in parish church or any chapel by whom dealt with.

VII. This Act and all other Acts relating to the renting of pews, sittings, and seats in churches and chapels of this Island so far as they are not inconsistent with this Act, shall be taken and read together as one Act.

This and other Acts read together where not inconsistent.

CAP. LXXV.

(Assented to 10th November 1885.)

BARBADOS.

An Act to amend the Act of the 15th day of January 1863 entitled, "An Act to enable courts of law to give relief against adverse claims made upon persons having no interest in the subject of such claims."

BE it enacted by the Governor, Council and Assembly of this Island and by the authority of the same as follows ;

I. The Act of the fifteenth day of January one thousand eight hundred and sixty three, may be cited as "The Interpleader Act, 1863," and this Act shall be read together with The Interpleader Act, 1863, as one Act, and may be cited as "The Interpleader Act, 1863, Amendment Act, 1885."

Short title.

LAWS OF BARBADOS.

Claims to goods
&c. taken in execu-
tion under process of
superior courts, how
disposed of.

II. Whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the Court of Common Pleas of this Island, or under the authority of police magistrates or Judges of the Petty Debt Courts in cases coming within their jurisdiction or under the authority of the Assistant Court of Appeal of this Island, either in its appellate or original jurisdiction, by reason of claims made to such goods and chattels by the Official Assignee of insolvent traders, and by the assignees of bankrupts and other persons not being the parties against whom such process has issued, whereby the Provost Marshal and other officers employed in the execution of such process are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in all such cases to the said Provost Marshal, and such other officers; be it therefore enacted, that when any such claim shall be made to any goods and chattels taken or intended to be taken in execution under any process issued by any of the superior courts of law, or to the proceeds or value thereof, it shall and may be lawful to and for the court from which such process issued, upon application of the said Provost Marshal or other officer, made before or after the said goods and chattels shall have been taken in execution and as well before as after any action brought against the said Provost Marshal or other officer, to call before it by rule of court as well the party issuing such process as the party making such claim and thereupon to exercise for the adjustment of such claims and the relief and protection of the Provost Marshal or other officer, all or any of the

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powers and authorities in The Interpleader Act, 1863, contained, and make such rules and decisions as shall appear to be just, according to the circumstances of the case ; and the cost of all such proceedings shall be in the discretion of the court ; And when any such claim shall be made to any goods and chattels taken in execution under any process issued by a Police Magistrate or Judge of the Petty Debt Court or by the Assistant Court of Appeal either in its appellate or original jurisdiction, or to the proceeds or value thereof, it shall be lawful for the Court from which such execution issued on the application of the Provost Marshal or other person employed in the execution of such process to summon before it or him and hear the allegations of as well the party at whose instance such process issued as the party making the claim ; and to require the party making such claim to proceed formally before the Court from which such execution issued in trover or detinue, and the party at whose instance such process issued to make himself defendant in the place of the Provost Marshal or other person employed in the execution of the process, or such Court or Judge may, at the request of either party in cases where from the smallness of the amount in dispute or of the value of the goods seized it shall appear to it or him desirable and right so to do, or with the consent of both parties in any case whatsoever, dispose of the merits of their claims and determine the same in a summary manner ; and the Court from which such execution issued shall have jurisdiction to hear and determine any such case of trover or detinue

Costs in discretion of court.

Claims to goods &c. taken in execution under process of inferior courts, how disposed of.

Court from which execution issued to have jurisdiction.

LAWS OF BARBADOS.

Proceedings where
Court desire ques-
tions of fact to be
decided by a jury.

whatever may be the amount in dispute or the value of the goods seized.

III. And whereas many important questions are now tried in the form of feigned issues, by stating that a wager was laid between two parties interested in respectively maintaining the affirmative and the negative of certain propositions, but such questions may be as satisfactorily tried without such form, be it therefore enacted that in every case where any court of law or equity may desire to have any question of fact decided by a jury, it shall be lawful for such court to direct a writ of summons to be sued out by such person or persons as such court shall think ought to be the plaintiff or plaintiffs, against such person or persons as such Court shall think ought to be defendant or defendants therein, in the form set forth in the schedule to this Act annexed, with such alterations or additions as such court may think proper; and thereupon all the proceedings shall go on and be brought to a close in the same manner as is now practised in proceedings under a feigned issue.

Court of Common
Pleas to exercise
certain powers and
authorities though
title of claimants is
adverse.

IV. Where an action has been commenced in respect of a common law claim for the recovery of money or goods, or where goods or chattels have been taken or are intended to be taken in execution under process issued from the Court of Common Pleas, and the defendant in such action or the Provost Marshal or other officer has applied for relief under the provisions of The Interpleader Act, 1863, it shall be lawful for the said Court of Common Pleas to exercise all the powers and authorities given to it by this Act, and The Interpleader Act, 1863, though the titles of the claimants to the money, goods or

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chattels in question, or to the proceeds of value thereof, have not a common origin, but are adverse to and independent of one another.

V. When goods or chattels have been seized in execution by the Provost Marshal or other officer under process of the Court of Common Pleas or Assistant Court of Appeal either in its appellate or original jurisdiction or Petty Debt Court, or Police Magistrate's Courts, and some third person claims to be entitled under a bill of sale or otherwise to such goods or chattels by way of a security for a debt, the court or Judge or Police Magistrate having jurisdiction to determine the claim may order a sale of the whole or part thereof, upon such terms as to payment of the whole or part of the secured debt or otherwise as they or he shall think fit, and may direct the application of the proceeds of such sale in such manner and upon such terms as to such court or judge or police magistrate may seem just.

When goods claimed by third person, Court or Judge having jurisdiction may order sale upon certain terms.

VI. Upon the hearing of any rule or order calling upon persons to appear and state the nature and particulars of their claims it shall be lawful for the Chief Judge of the Court of Common Pleas whenever, from the smallness of the amount in dispute or of the value of the goods seized, it shall appear to him desirable and right so to do at the request of either party, to dispose of the merits of the respective claims of such parties, and to determine the same in a summary manner, upon such terms as he shall think fit to impose, and to make such other order and orders therein as to costs and all other matters as may be just.

Chief Judge may dispose of the merits of respective claims, and determine same in summary manner.

LAWS OF BARBADOS.

Cases of interpleader in Common Pleas how disposed of, where question of law and facts not in dispute.

Proceedings to be, as near as may be, a special case under "Common Law Procedure Act, 1859."

Rules, orders &c. made in pursuance of this Act may be entered of record and made evidence.

Repeal.

Not to affect.

VII. In all cases of interpleader proceedings in the Court of Common Pleas where the question is one of law, and the facts are not in dispute, the Chief Judge of the Court of Common Pleas shall be at liberty, at his discretion, to decide the question without directing an action or issue, and, if he shall think it desirable, to order that a special case be stated for the opinion of the Court.

VIII. The proceedings upon such case shall, as nearly as may be, be the same as upon a special case stated under The Common Law Procedure Act, 1859, and error may be brought upon a judgment upon such case, and the provisions of that Act, as to bringing error upon a special case, shall apply to the proceedings in error upon a special case under this Act.

IX. All rules, orders, matters and decisions to be made and done in interpleader proceedings under this Act, (excepting only any affidavits) may, together with the declaration in the cause, if any, be entered of record, with a note in the margin expressing the true date of such entry, to the end that the same may be evidence in future times, if required, and to secure and enforce the payment of costs directed by any such rule or order; and every such rule or order so entered shall have the force and effect of a judgment in the Court of Common Pleas.

X. Section six of The Interpleader Act, 1863, is hereby repealed; provided always that such repeal shall not affect

- (1) anything duly done or suffered to be done thereunder; or
- (2) any right or liability acquired or incurred thereunder, or any legal pro-

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ceeding or remedy now pending in respect of any such right, and any such legal proceeding and remedy may be carried on as if this Act had not been passed.

SCHEDULE.

In the Court of Common Pleas.

Barbados, to wit,

Whereas A. B. affirms and C. D. denies (here state fully the fact or facts in issue) and the Chief Justice is desirous of ascertaining the truth by the verdict of a jury, and both parties pray that the same may be inquired of by the country ; Now let a jury, &c.

CAP. LXXVI.

(Assented to 10th November 1885.)

BARBADOS.

An Act to amend "*The Assistant Court of Appeal Act, 1883,*" and "*The Petty Debt Act, 1870.*"

WHEREAS it is deemed expedient to amend "*The Assistant Court of Appeal Act, 1883,*" (hereinafter called "*the principal Act*") and "*The Petty Debt Act, 1870,*" in the manner hereinafter mentioned ; Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows ;

I. This Act may be cited as "*The Assistant Court of Appeal Act, 1883, Amendment Act, 1885, and The Petty Debt Act, 1870, Amendment Act, 1885.*"

Short title.

LAWS OF BARBADOS.

Execution to issue on judgments recovered under original legal jurisdiction of Assistant Court of Appeal, and to affect real estate as well.

II. Fourteen days after all judgments recovered in the Assistant Court of Appeal under the original legal jurisdiction conferred thereon by the principal Act, execution shall, unless the Court shall, at the time of giving judgment, have ordered the same to issue earlier, issue under the hand of one of the Judges of the Court, on application to the Clerk by the party entitled to such judgment, or by his attorney or agent, for the recovery of the debt, damages, or costs to which such party, whether plaintiff or defendant may be entitled, directed to the Provost Marshal to attach the money, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties, and other securities for money, and the goods, chattels and effects of the party against whom such execution shall issue ; and if no moneys, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money or goods, chattels or effects can be found sufficient to satisfy such execution, then to attach the lands, plantations and houses of such party ; and such execution shall (subject to any rules and orders framed under the authority of the principal Act) be executed by the Provost Marshal in like manner as an execution issued out of the Court of Common Pleas for this Island, and any real estate attached under such execution shall be appraised and sold by the Provost Marshal in the same manner as if the same had been levied on under an execution issuing out of the said Court of Common Pleas, and the Provost Marshal shall be entitled to demand and receive for the levying of the said execution, and for the appraising and selling of such real estate, the fees men-

Execution to be executed by Provost Marshal in like manner as Common Pleas executions.

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tioned and set forth in the scale of costs annexed to the said rules and orders of the said Assistant Court of Appeal.

III. Section four of "The Judgment Creditors Remedies Act, 1884," shall be incorporated with this Act.

Incorporates sec. 4 of "The Judgment Creditors Remedies Act, 1884."

IV. All judgments of and writs of execution issued by the said Assistant Court of Appeal under its original legal jurisdiction before the passing of this Act, shall have the same effect, and the Provost Marshal shall in respect thereof have the same powers, and shall execute them in the same manner as if they had been issued under and in accordance with this Act; provided always that no real estate sold or mortgaged or contracted to be sold or mortgaged before the passing of this Act, shall be bound or affected by any writ of execution issued on a judgment of the said Assistant Court of Appeal under its original legal jurisdiction before the passing of this Act; nor shall a judgment of any other Court of this Island confessed or obtained before the passing of this Act and the writ of execution issued thereon be in any way affected or prejudiced, in the ranking of the same against real estate by the retrospective operation of this section.

Executions issued by Court of Appeal under original legal jurisdiction before passing of this Act shall have same effect, and Provost Marshal shall deal with same as if issued in accordance with this Act.

Proviso.

V. The Judges of the said Assistant Court of Appeal shall cause such alterations to be made in the forms of writs of execution issued out of the said Court under its original legal jurisdiction, after the passing of this Act, as are necessary to make such writs conform to the provision of section two of this Act.

Forms of execution, to be altered, to conform with sec. 2.

VI. Section nineteen of the principal Act so far as the same is inconsistent with this Act, is hereby repealed.

Sec. 19 Principal Act repealed, so far as inconsistent.

LAWS OF BARBADOS.

Executions to bear interest, except where otherwise ordered, and in respect of real estate to be in force 20 years.

VII. All writs of execution issuing out of the said Assistant Court of Appeal and from the Petty Debt Courts of this Island shall, except where otherwise ordered, bear interest from the date of judgment, and shall in respect of real estate continue in force for twenty years from such date, or from the date of the last payment made on account thereof, or from the date of any written acknowledgment made in respect thereof, as the case may be, and such execution shall as against purchasers for valuable consideration, mortgagees or creditors bind real estate only from the date the same shall have been lodged in the Provost Marshal's office of the said Island.

• Incorporated with principal Act.

VIII. This Act shall be deemed to be incorporated with the principal Act, and shall be as if the principal Act (except such part thereof as has been repealed by this Act) and this Act were one Act, and shall be part of The Petty Debt Act, 1870.

Ex. W. E. J.

7/21/10

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